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Community Planning
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HOUSING ELEMENT AND FAIR SHARE PLAN

**BOROUGH OF ALPINE
BERGEN COUNTY, NEW JERSEY**

PREPARED FOR:

**BOROUGH OF ALPINE PLANNING BOARD
BA# 2084.03**

**December 3, 2008
Adopted December ____, 2008**

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The original document was appropriately signed and sealed on _____ 2008 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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INTRODUCTION

In 1975 the New Jersey Supreme Court decided, in So. Burlington Cty. NAACP v. Township of Mount Laurel, that every developing municipality in New Jersey had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent decision in 1983, the Court acknowledged that the vast majority of municipalities in the State had ignored their constitutional obligation, and called for the State Legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result was the establishment of the New Jersey Council on Affordable Housing (COAH), the state agency responsible for overseeing the manner in which the state's municipalities address their low and moderate income housing needs.

COAH had originally adopted in 1987 and again in 1994 a "fair share" methodology to determine housing-need numbers for all municipalities in the State, and the adopted combined first and second round housing-need numbers for Alpine indicated a 214 unit affordable housing obligation, consisting entirely of a "new construction" obligation. The Borough received a vacant land adjustment as well as 20% cap adjustment that reduced the obligation to 32 units. This obligation was met through a completed Regional Contribution Agreement (RCA) as well as construction of an eight unit rental affordable housing project in the Borough. This is detailed in the body of this report.

In December of 2004, COAH adopted new substantive (NJAC 5:94) and procedural (NJAC 5:95) rules for the period beginning December 20, 2004. However, as a result of an Appellate Division ruling, these rules were required to be revised, and new rules and regulations were subsequently adopted on June 2, 2008 (NJAC 5:97 and NJAC 5:96). At that same time, COAH re-adjusted all municipal first and second round housing-need and rehabilitation numbers. Alpine's new construction obligation for the prior round went back to 214 units as part of this process. Its rehabilitation share was established as two units as part of COAH's second/third round rehabilitation need adjustment process.

The third round rules implement a new 'growth share' approach to affordable housing and thus represent a significant departure from the Council's first and second round rules in that the new rules link the production of affordable housing with actual development and projected growth.

COAH's June 2008 proposed estimates of need indicate that Alpine has a 100 unit third round affordable housing obligation, inclusive of the 2 unit rehabilitation component noted above, and a 98 unit growth share component that is a function of projected residential and non-residential growth. COAH estimates that by 2018 the Borough will have an additional 466 dwellings in the community, which translates to 93 units of affordable housing, and 72 jobs, which translates to 5 units of affordable housing.

Given the available data on the community's development over the past decade, the limited availability of buildable vacant land, and the fact that the Borough hasn't any land zoned for non-residential development, we take exception to COAH's estimate of growth in Alpine, and in its place offer a more realistic estimate of the Borough's development potential.

We have undertaken a vacant land and environmental constraints analysis to determine the realistic development potential in the Borough. The COAH vacant land analysis contends there are 367 acres of vacant land, which is far in excess of what is actually vacant and buildable. After removing from consideration the lands of the Palisades Interstate Park Commission, environmentally constrained land, and parcels that COAH deemed vacant but that are, in fact developed, the vacant developable land in the Borough amounts to 35 acres. Nearly all of this acreage is not within a sewer service area, and pursuant to COAH's regulations, are not to be counted as part of the Borough's available vacant land for purposes of determining the Borough's growth potential. The total buildable vacant land in the Borough, per the COAH-required assessment, amounts to 3.38 acres.

In addition, we also reviewed certificates of occupancy (CO's) that have been issued, and demolition permits for the years 2004-08. Since 2004, there have been a near-equal number of CO's and demolition permits issued, an indication that residential development is limited to teardowns and reconstruction of units. Based on the 'realistic development potential' cited above, the Borough's affordable housing new construction obligation is 6 units. Since the Borough has met its second round obligation in its entirety (based on a vacant land adjustment), the Borough must provide enough units and credits to total 6 units for the Third Round.

The housing plan set forth herein affirmatively addresses the Borough's six unit Third Round obligation by proposing the construction of five rental affordable housing units on the Borough site that already contains eight affordable dwellings. This allows the Borough to obtain five units of credit for these five constructed units. In addition, it results in one additional unit of credit for exceeding the community's affordable housing rental requirement. This is detailed in the body of this report.

SECTION I: HOUSING ELEMENT

A. COMMUNITY OVERVIEW

The Borough of Alpine is located in the northeastern-most corner of Bergen County and is adjoined by seven municipalities. Neighboring communities include Rockleigh, Norwood, Closter, Demarest and Cresskill to the west, Tenafly to the south and Rockland County, New York to the north. Regional access is available from the Palisades Interstate Parkway and Route 9W. Closter Dock Road and Hillside Avenue are county roadways serving the Borough.

Alpine is an attractive and stable residential community. Its character is typified by spacious residential lots, extensive landscaped amenity, and the existence of a substantial amounts of public open space amenity. Two golf country clubs located in the Borough further reinforce the open, spacious character of the Borough.

Alpine is essentially a fully developed community. The majority of the Borough's acreage is devoted to public and semi-public use, much of it being part of the Palisades Interstate Park. Residential use comprises most of the rest of the community, with two golf courses also comprising a notable portion of the acreage. Non-residential use is limited to a small number of landscape companies and realtors.

B. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the housing element provides an inventory of the Borough's housing stock, as required by the MLUL. The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated.

1. Number of Dwelling Units. It is estimated that Alpine presently contains 764 dwelling units. The following table indicates the change in the number of dwelling units in Alpine since 1960, when there were 297 dwellings in the municipality.

Table 1: Dwelling Units (1960-2008 YTD) - Alpine, New Jersey

Year	Dwelling Units	Net Change (#)	Change (%)
1960	297	-	
1970	377	80	26.9
1980	516	139	36.8
1990	582	66	12.7
2000	730	148	25.4
2008*	764*	34	4.6

* Through February.

Sources: Bergen County Data Book; NJ Department of Community Affairs (DCA), The NJ Construction Reporter: <http://www.state.nj.us/dca/codes/cr/conrep.shtml>, incl certificates of occupancy and demolition permits.

The following table provides detail regarding the tenure and occupancy of the Borough's housing stock. As shown below, Alpine's housing units are primarily owner occupied. Only ten percent of the units are renter occupied. Only three percent are vacant.

Table 2: Housing Units by Tenure and Occupancy Status (2000) - Alpine, New Jersey

Characteristics	Number	Percent
Owner-occupied	635	87
Renter-occupied	73	10
Vacant units	22	3
Total	730	100

Source: 2000 U.S. Census

2. Housing Characteristics. This section provides additional information on the characteristics of the Borough's housing stock, including the number of units in a structure and the number of bedrooms. Ninety-five percent of the residential structures in Alpine are single-family detached units.

Table 3: Units in Structure (1990 and 2000) - Alpine, New Jersey

Units in Structure	1990		2000	
	Number	Percent	Number	Percent
Single Family, detached	561	95.2	710	97.2
Single Family, attached	10	1.7	8	1.1
2	7	1.2	9	1.2
3 or 4	2	0.3	0	0
5 to 9	0	0	0	0
10 to 19	0	0	0	0
20 to 49	0	0	3	0.4
50 or more	0	0	0	0
Other	9	1.5	0	0
Total	589	100	730	100

Source: U.S. Census, 1990 & 2000

Table 4: Number of Bedrooms in Housing Units (2000) - Alpine, New Jersey

Bedrooms	2000	
	Number	Percent
None	0	0
One	18	2.4
Two	30	4.1
Three	159	21.8
Four	216	29.6
Five or More	307	42.0
Total	730	100

Source: 2000 U.S. Census

3. Housing Age. As shown below, one-half of the Borough's housing stock was built in the years between 1970 and 1989. Almost 15 percent of the housing stock was constructed in the 1990's.

Table 5: Year Structure Built - Alpine, New Jersey

Year Units Built	Number	Percent
1999 to March 2000	19	2.6
1995 to 1998	43	5.9
1990 to 1994	36	4.9
1980 to 1989	164	22.5
1970 to 1979	168	23.0
1960 to 1969	87	11.9
1950 to 1959	99	13.6
1940 to 1949	21	2.9
1939 or earlier	93	12.7
Total	730	100

Source: 2000 U.S. Census

4. Housing Conditions. Table 6 provides an indication of overcrowded housing units, represented by units containing more than one occupant per room. This table indicates the vast majority of dwellings in Alpine are not over crowded. Only 1.7 percent of the Borough's units contain more than one occupant per room.

**Table 6: Occupants Per Room (2000)
Alpine, New Jersey**

Occupants Per Room	Number of Units	Percent
0.50 or less	586	82.8
0.51 to 1.00	110	15.5
1.01 to 1.50	10	1.4
1.51 to 2.00	2	0.3
2.01 or more	0	0
Total Occupied Units	708	100

Source: 2000 U.S. Census

Table 7 presents additional detail regarding housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used.

Table 7: Equipment and Plumbing Facilities (2000) - Alpine, New Jersey

Facilities	2000	
	Number	Percent
<u>Kitchen:</u>		
With Complete Facilities	727	99.6
Lacking Complete Facilities	3	0.4
<u>Plumbing:</u>		
With Complete Facilities	730	100.0
Lacking Complete Facilities	0	0.0
<u>Heating Equipment (Occupied Units):</u>		
Standard Heating Facilities	706	99.7
Other Means, No Fuel Used	2	0.3

Source: 2000 U.S. Census

5. Purchase and Rental Values. Rental values increased between 1990 and 2000, with the median gross rent nearly tripling over the ten-year period. The median gross rent in 2000 was \$1,844.

Table 8: Gross Rent of Specified Renter-Occupied Housing Units (1990 and 2000) - Alpine, New Jersey

Rent	1990		2000	
	Number	Percent	Number	Percent
Less than \$250	9	19.1	0	0
\$250 to \$499	10	21.3	0	0
\$500 to \$749	6	12.8	3	4.7
\$750 to \$999	3	6.4	3	4.7
\$1,000 or more	19	40.4	40	63.5
No cash rent	0	0	17	27.0
Total	47	100	63	100
Median Gross Rent	\$638		\$1,844	

Source: U.S. Census, 1990 & 2000

Similarly, almost 60 percent of owner occupied units were valued at \$1 million or higher in 2000. This is shown in Table 9 below. This figure has increased significantly since then.

**Table 9: Value of Specified Owner-Occupied Housing Units (1990 and 2000)
Alpine, New Jersey**

Value Range	1990	Value Range	2000
Less than \$75,000	0	Less than \$100,000	4
\$75,000 to \$99,999	0		
\$100,000 to \$124,999	0	\$100,000 to \$149,000	5
\$125,000 to \$149,999	4		
\$150,000 to \$174,999	4	\$150,000 to \$199,999	7
\$175,000 to \$199,999	0		
\$200,000 to \$249,999	8	\$200,000 to \$299,999	17
\$250,000 to \$299,999	4		
\$300,000 to \$399,999	26	\$300,000 to \$399,999	24
\$400,000 to \$499,999	29	\$400,000 to \$499,999	47
		\$500,000 to \$749,999	55
\$500,000 or more	386	\$750,000 to \$999,999	99
		\$1,000,000 or more	354
TOTAL	461	TOTAL	612
1990 Median Value		2000 Median Value	\$1,000,000+

Source: U.S. Census, 1990 & 2000

6. Number of Units Affordable to Low- and Moderate-Income Households. Based on the most current COAH regional income limits, the median household income for a three-person household in COAH Region 1, Alpine's housing region comprising Bergen, Hudson, Passaic and Sussex Counties, is \$69,365. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding \$55,492.

An affordable sales price for a three person moderate-income household earning 80 percent of the median income is estimated at approximately \$150,000. This estimate is based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.1. Only 9 of the borough's housing units were valued at less than \$150,000 in 2000, according to the census data.

For renter-occupied housing, an affordable monthly rent for a three-person household is estimated at \$1,340. Less than ten percent of the borough's renter occupied housing units in 2000 has gross rent below \$1000.

7. Substandard Housing Capable of Being Rehabilitated. COAH provides the number of units in a community that are in need of rehabilitation and are not likely to experience "spontaneous rehabilitation." Alpine's rehabilitation share is 2 units.

C. PROJECTION OF MUNICIPAL HOUSING STOCK

The Plan section of this document includes a detailed projection of the municipal housing stock, pursuant to COAH's rules for establishing the "growth share" component of the Borough's affordable housing obligation. That section also identifies historical and projected growth trends.

D. POPULATION ANALYSIS

The MLUL requires that the housing element provide data on the municipality's population, including population size, age and income characteristics.

1. Population Size. The change in the Borough's population is noted in the accompanying table. It is estimated that the local population was 2,429 residents in 2006, the last year for which State estimates of population size are available.

Table 10: Population Growth - Alpine, New Jersey

Year	Population	Change(#)	Change (%)
1900	268	--	--
1910	377	109	40.6
1920	350	-27	-7.2
1930	521	171	48.8
1940	626	105	20.2
1950	644	18	2.9
1960	921	277	43.0
1970	1,344	423	46.0
1980	1,549	205	15.3
1990	1,716	167	10.8
2000	2,183	467	27.2
2006*	2,429	246	11.2

* NJ Department of Labor and Workforce Development (LWD) estimate
Sources: Bergen County Data Book; NJ Department of LWD

2. Age Characteristics. The Borough's age characteristics are summarized in the following table. The median age of residents is 44.2 years, which is substantially older than the County median of 39.1 years. Almost 15 percent of the population is aged 65 or over.

Table 11: Age Characteristics (2000)

Alpine, New Jersey

Age Group	Total	% Total
Under 5	99	4.5
5-9	157	7.2
10-14	188	8.6
15-19	123	5.6
20-24	86	3.9
25-29	75	3.4
30-34	66	3.0
35-39	142	6.5
40-44	177	8.1
45-49	202	9.3
50-54	217	9.9
55-59	208	9.5
60-64	129	5.9
65-69	127	5.8
70-74	81	3.7
75-79	43	2.0
80-84	28	1.3
85 and over	35	1.6
Total	2,183	100
Median Age	44.2	

Source: 2000 U.S. Census

3. Average Household Size. The Borough's average household size has decreased in the years since 1980. The average household size in 2000 was 3.08 persons per household.

Table 12: Average Household Size (1980-2000)

Alpine, New Jersey

Year	Borough Population	Total Households	Average Household Size
1980	1,549	495	3.13
1990	1,716	534	3.21
2000	2,183	708	3.08

Source: Bergen County Data Book

4. Household Income. The median household income for Alpine households rose 19 percent between 1990 and 2000, from 106,331 to \$ 130,470. Sixty percent of the Borough's households earned \$100,000 or more in 2000. This figure has presumably increased since then. Detailed household figures are detailed below.

Table 13: Household Income Distribution (1989 and 1999)
Alpine, New Jersey

Income Category	1989		1999	
	Number	Percent	Number	Percent
Less than \$10,000	5	0.9	28	4.0
\$10,000 to \$14,999	3	0.6	10	1.4
\$15,000 to \$24,999	18	3.3	26	3.7
\$25,000 to \$34,999	19	3.5	21	3.0
\$35,000 to \$49,999	45	8.3	40	5.6
\$50,000 to \$74,999	83	15.4	76	10.7
\$75,000 to \$99,999	81	15.0	78	11.0
\$100,000 to \$149,999	98	18.1	112	15.8
\$150,000 or more	188	34.8	317	44.8
Total	540	100.0	708	100.0
Median	\$68,742		\$130,740	

Source: U.S. Census, 1990 & 2000

E. EMPLOYMENT ANALYSIS

The MLUL requires that the housing plan include data on employment levels in the community. The following tables present information on the Borough's employment characteristics.

1. Employment Status. Table 14 provides information on employment status for the population 16 and over in the Borough. Approximately 60 percent of the Borough's population was employed, with only 1.5 percent unemployed in 2000.

Table 14: Employment Status- Population 16 & Over (2000)
Alpine, New Jersey

Employment Status	Number	Percent
In labor force	1037	60.6
Civilian labor force	1037	60.6
Employed	1010	59.0
Unemployed	27	1.5
Armed Forces	0	0
Not in labor force	672	39.4
Total Population 16 and Over	1709	100.0

Source: 2000 U.S. Census

2. Employment Characteristics of Employed Residents. The following two tables offer information on the employment characteristics of Alpine residents. Table 15 provides occupation characteristics and Table 16 details industry characteristics.

Table 15: Employed Residents Age 16 and Over, By Occupation (2000)
Alpine, New Jersey

Occupation	Number	Percent
Management, professional, and related occupations	591	58.5
Service occupations	62	6.1
Sales and office occupations	278	27.5
Farming, fishing, and forestry occupations	0	0.0
Construction, extraction, and maintenance occupations	40	4.0
Production, transportation, and material moving occupations	39	3.9
Total	1,010	100.0

Source: 2000 U.S. Census

Table 16: Employed Residents Age 16 and Over, By Industry (2000)
Alpine, New Jersey

Industry	Number	Percent
Agriculture, Forestry, Fisheries & Mining	0	0
Construction	52	5.1
Manufacturing	102	10.1
Transportation and warehousing, and utilities	18	1.8
Wholesale Trade	100	9.9
Retail Trade	63	6.2
Information	39	3.9
Finance, Insurance, & Real Estate	193	19.1
Education, health and social services	246	24.4
Arts, entertainment & Recreational Services	39	3.9
Professional & Related Services	98	9.7
Public Administration	11	1.1
Other Services	49	4.9
Total	1,010	100.0

Source: 2000 U.S. Census

SECTION II: HOUSING OBLIGATION

A. INTRODUCTION

The methodology for determining the Borough's third-round affordable housing obligation changed significantly from the prior round regulations. Under COAH's third-round rules, a municipality's third-round affordable housing obligation is a function of three components:

- Rehabilitation Share
- Remaining Prior Round Obligation
- Growth Share

The growth share component represents the most significant change from the prior round, as it requires that each municipality determine its own affordable housing obligation based on the amount of residential and non-residential growth anticipated over the third-round period from 2004 to 2018. Each of the three components are combined to determine the municipality's total affordable housing obligation. These components are described as follows:

1. Rehabilitation Share. The rehabilitation share component of the affordable housing obligation is based on the municipality's existing housing deficiencies and includes existing housing units as of April 1, 2000 that are both deficient and occupied by households of low or moderate income. A municipality's total rehabilitation share is equal to the sum of its overcrowded and dilapidated units, multiplied by its regional Low/Moderate Income Deterioration Share, minus its Rehabilitation Share Credit. The rehabilitation share essentially replaces what was known as indigenous need in the previous rounds. COAH has assigned a new rehabilitation share of 2 units to Alpine.

2. Remaining Prior Round Obligation.

The Prior Round Obligation is the total Fair Share obligation for the period 1987 to 1999. As noted in Appendix C of COAH's Third Round regulations, Alpine's Prior Round Obligation is 214 units.

To determine the remaining Prior Round obligation, a municipality may impose adjustments that were approved as part of its second round plan, and subtract any affordable housing units that have already been built or transferred through a Regional Contribution Agreement (RCA) as part of a certified plan or judgment of repose.

3. Growth Share. The growth share portion of a municipality's fair share obligation is based on the projected residential and employment growth in the municipality over the period between 2004 and 2018. Growth share is defined as:

"The affordable housing obligation generated in each municipality by both residential and non-residential development from 2004 through 2018 and represented by a ratio of one affordable housing unit for every four market-rate housing units constructed plus one affordable housing unit for every 16 newly created jobs as measured by new or expanded non-residential construction within the municipality."

Each individual municipality's actual growth between 2004 and 2018 generates an affordable housing obligation. For residential development, one affordable housing unit obligation is generated for every four market rate residential units constructed/projected in the municipality. During that time frame. For non-residential development, one unit of affordable housing obligation is generated for each 16 jobs created/projected in the community. Job creation estimates are based on the amount of new non-residential square footage developed within the community.

[For example, if the municipality experiences a net growth of 100 market rate units between 2004 and 2018, an obligation of 20 affordable housing units is created. And, if 25,000 square feet of additional office space is constructed, 67.5 jobs would be generated (based on a ratio of 2.7 office jobs/1,000 square feet), and a 4.2 unit affordable housing obligation would result.]

The following section contains development projections and a determination of the growth share assessment for the third-round obligation.

B. CALCULATION OF AFFORDABLE HOUSING OBLIGATION

The calculation of the Borough's affordable housing obligation is detailed below.

1. Rehabilitation Share. As set forth in Appendix B of the Third Round rules, Alpine has a rehabilitation share of 2 units. This replaces the rehabilitation share of 0 units previously assigned to the Borough.
2. Remaining Prior Round Obligation. Appendix C of the Third Round rules indicates a recalculated prior round new construction obligation of 214 units. However, the 2000 judgment of repose adjusted Alpine's prior round obligation through the imposition of COAH's 20 percent cap rule and a vacant land adjustment to 32 units. The plan addressed this adjusted prior round obligation through participation in a regional contribution agreement and a one hundred percent affordable housing rental development and associated rental bonus credits. This is shown in the accompanying table.

Table 17: Second Round Plan Components and Status
Alpine, New Jersey

Plan Component	Units	Status
Regional Contribution Agreement	16 units	Complete
100% Affordable Development	8 units (rental) 8 bonus credits	Complete
Adjustments:		
Vacant Land Adjustment	76 units	Granted
20 percent Cap	106 units	Granted
Total	214	

- a. Credits and Adjustments Regarding Prior Round Obligation. The Borough seeks credits and adjustments as detailed in the following sections.

- i. Credits. Third-round rules permit credits for units that were constructed (i.e. received certificates of occupancy) or rehabilitated following April 1, 2000 (i.e. received final inspections after 4/1/00), or transferred to another municipality as the subject of a regional contribution agreement (RCA). The Borough has 32 eligible credits, as shown in the following table.

**Table 18: Updated Second Round Components and Status
Alpine, New Jersey**

Plan Component	Units	Status
Regional Contribution Agreement	16 units	Complete (approved 2001)
100% Affordable Development	8 units (rental) 8 bonus credits	Complete (issued CO in 2006)
Total	32	

- ii. Adjustments. COAH honors adjustments granted as part of a second round certified plan, including vacant land adjustments as well as the 20 percent cap rule. The Borough received a vacant land adjustment to its second round fair share obligation of 76 units. Further, the Borough received a 20 percent cap adjustment for 106 units.
- b. Calculation of Remaining Prior Round Obligation. The calculation of the Borough's remaining prior round obligation is shown in the table below. As noted, the remaining Prior Round obligation is zero.

**Table 19: Second Round Remaining Prior Round Obligation
Alpine, New Jersey**

Component	Units
Recalculated Obligation	214
Credits	-32
Adjustments	
Vacant Land Adjustment	-76
20 percent Cap Adjustment	-106
Remaining Prior Round Obligation	0

3. Growth Share. The growth share component of the Borough's affordable housing obligation is calculated based on the projected amount of residential and non-residential growth anticipated between 2004 and 2018. This projected growth is initially provided in Appendix F of the COAH regulations. However, a municipality must also provide its detailed projection resulting from an analysis of approved, pending and anticipated development applications.

Once the detailed analysis is complete, this growth is translated into an affordable housing obligation, based on a standard of one affordable housing unit for every four market rate units that are projected and one affordable unit for every 16 jobs that are projected to be created.

a. Calculation of Residential Growth Share.

- i. COAH Growth Projection. The baseline growth projection for residential development is set forth in Appendix F of N.J.A.C. 5:97, as adopted October 20, 2008. The projection suggests that the Borough's housing growth shall consist of 466 dwelling units between the years 2004 and 2018.

Table 20: Household Growth Estimates 2004 - 2018
Alpine, New Jersey

2018Household Estimate	-	2004 Household Estimate	=	Household Growth
1,218		752		466

Source: Appendix F -- Consultant's Data

The regulations allow for affordable units that receive credit in a first and second round certified plan, and built after January 1, 2004 to be subtracted from this 466 unit projection. The 8 unit affordable housing project addressing the prior round rule obligation is subtracted from the total projected household growth thereby resulting in a household growth projection, as projected by COAH, excluding growth attributable to affordable housing construction, of 458 units.

ii. Actual Projection of Residential Growth Share

COAH permits municipalities to conduct a detailed analysis of historical trends, pending and approved development applications, and other local knowledge to generate an actual growth projection for the community. As detailed below, Alpine's analysis reveals that COAH substantially overestimates the amount of growth that could occur in the Borough. The Borough's projection is compared to COAH's estimated projection in the accompanying sections of this report. The projection is determined through a series of steps and analyses, as shown below.

Historical Trends in Residential Development.

Data for the years 1998-2008 YTD is presented in order to determine the Borough's historical residential growth trends and to determine actual growth since 2004, as evidenced by certificates of occupancy (COs) and demolition permits issued. Historical trends are used to project growth in years to come.

**Table 21: Historical Trends in Residential Development
Analysis of Certificates of Occupancy and Demolition Permits, 1998-2008 YTD
Alpine, New Jersey**

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008 YTD*
COs Issued	8	10	11	6	17	6	9	11	13**	11	2
Demo Permits Issued	8	7	7	8	3	3	6	7	8	10	1
Net Growth	0	3	4	-2	14	3	3	4	5	1	1

* Through August

Source: NJ DCA, The NJ Construction Reporter: <http://www.state.nj.us/dca/codes/cr/conrep.shtml>

Source: Alpine Construction Department, 2008

** 8 units of affordable housing that were constructed and issued CO's in 2008 were removed from the 2006 total of 21 CO's issued in this year.

The above table shows Alpine has experienced very little growth over since 1998. Since 1998 there has been a net growth of only 36 dwellings, and since 2004, a net 14-unit growth. This reflects the limited capacity of the remaining vacant land in Alpine. Residential development has primarily resulted from tear downs of older single family residential dwellings and their replacement with new single family residential dwellings.

Projected Residential Development. COAH requires that residential development be projected to 2018. This analysis involves the documentation of residential projects that have been approved but have not yet received COs, and pending residential developments before the planning and zoning boards. The analysis is required to include a projection of the year in which the CO will likely be granted for each project. The table below details the approved and pending residential development projections.

**Table 22: Number of Residential Units by Year of Anticipated CO
Approved and Pending Residential Development Applications
Alpine, New Jersey**

Approved Projects	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Block 11 Lot 2.07	1											
Block 21 Lot 10			1									
Block 22 Lot 7		1										
Block 39.01 Lot 12.09		1										
Block 53 Lot 13 & 14			1									
Block 55 Lot 22.01	1											
Block 55 Lot 22-26 & 30			1	2								
Block 71 Lot 22			1									
Block 73 3.01	1											
Block 73 Lot 14				1								
Block 74 Lot 11		1										
Block 79.02 Lot 2		1										
Block 75 Lot 3		1										
Block 79.03 Lot 8.07	1											
Block 81.02 Lot 9				1								
Block 81.04 Lot 13				1								
Block 81.04 Lot 17			1									
Block 81.08 Lot 1			1									
Block 86.01 Lot 24				1								
Block 121 Lot 6		1										
Block 121 Lot 7				1								
<i>Subtotal</i>	4	6	6	7								23
Pending Projects	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	
Block 22 Lot 5			1									1
Block 22 Lot 20			1									1
Block 22 Lot 26				1								1
<i>Subtotal</i>			2	1								3
Anticipated Projects												
					4	4	4	4	4	4	3	27
Total												53

Source: Planning Board, Zoning Board and Construction Department of Borough of Alpine

In addition to approved and pending development, the table above includes a projection of anticipated development which will likely occur before 2018 based on site specific analysis of the remaining developable parcels, historic trends, and local knowledge. Yield calculations are based on existing zoning and other features that

impact the intensity of development, such as the presence or lack of sewer capacity, environmental features etc.

The following table includes the total net growth expected in the Borough from 2004 to 2018, representing the total actual projected residential growth expected for the third round period.

**Table 23: Total Net Number of Residential Units by Year – Actual and Projected
Alpine, New Jersey**

	Actual	Projected											Total
	(2004-2008*)	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	
COs	46	4	6	6	7	5	5	5	4	6	3	2	99
Demo Permits	32	3	4	5	5	4	5	4	3	4	3	2	74
Net Growth	14	1	2	1	2	1	0	1	1	2	0	0	25

* Through August

Source: NJ DCA, The NJ Construction Reporter: <http://www.state.nj.us/dca/codes/cr/conrep.shtml>;

iii. Residential Growth Share Adjustment

Using COAH's Workbook C, provided by COAH, an analysis of the vacant residential zoned parcels in Alpine indicates a capacity for 16 units. This, when added to the actual growth from 2004 to the present, results in an estimated residential growth share of 5.9 units. Both the Workbook Calculator and the vacant land map are included in the appendix of this report.

iv. Comparison of COAH projection and Actual Projection

COAH's household growth projection of 466 units is not likely to occur given the limited amount of vacant land in the Borough, lack of available vacant land that is not constrained by environmentally sensitive features, and the lack of available infrastructure (sewer facilities). This is reinforced by the community's historic development patterns of the last several years and the resulting projected development. When demolitions are considered, historic growth is even lower. Our vacant land analysis indicates that future growth will be constrained by the developed nature of the Borough and the lack of buildable vacant land.

N.J.A.C. 5:97-2.5 allows certificates of occupancy issued for certain owner occupied structures to be subtracted from growth for the purpose of determining the growth share obligation. The subtraction is limited to residential structures that have been occupied by the current owner for at least one year prior to demolition, where no change in use has occurred. Redevelopment, rental properties, previously vacant properties and properties with change in use or intensity of use, among other

Per the 2000 U.S. Census data, 87 percent of housing units in Alpine are owner occupied, reflecting the overwhelming ownership development pattern of single family residential development. From 2004 through the present, out of the 54 units constructed, 32 have been demolished, reflecting the tear down pattern of growth in Alpine. For the purposes of determining residential growth share obligation, we are subtracting owner occupied residential structures that have been recorded as demolished during this time period.

v. Determining the Residential Growth Share

In this step, the projected growth is adjusted based on that portion of the projection that includes affordable units that are to be constructed in accordance with the second round certified plan. All affordable housing units and market rate units that are part of inclusionary development may be excluded. The 8 unit affordable housing project addressing the prior round rule obligation is subtracted.

As indicated above, using COAH's Workbook C, we have estimated residential growth to be 38 units. Based on the historical growth and the available vacant land that is not environmentally constrained or has the sewer capacity, we estimate the residential growth share of 5.9 units between 2004 through 2018.

b. Calculation of non-residential growth share

- i. COAH Growth Projection The baseline employment growth projection for non-residential development is generated from the employment projections provided in Appendix F of the third round regulations. Employment growth is estimated based on the employment projections for 2004 to 2018. The following calculation details non-residential growth for Alpine.

Table 24: Non-Residential Growth Projection
Alpine, New Jersey

2018 Employment Estimate	-	2004 Employment Estimate	=	Employment Growth
417	-	345	=	72

Source: Appendix F Consultant's Data

ii. Actual Projection of Non-Residential Growth

Like the residential growth share analysis, COAH requires a municipality to prepare a detailed analysis of historical trends, pending and approved development applications, and other local knowledge to generate its non-residential growth projection for the Borough.

The detailed projection is determined through a series of similar steps and analyses to that referenced above. The analysis is shown below

Historical Trends in Non-Residential Development.

In this step, historical data for the years 1998-2008 YTD is shown. This data establishes the Borough's historical non-residential growth trends and provides actual growth figures for year-to-date 2008. As with the residential analysis, non-residential growth is indicated by certificates of occupancy issues. Demolition permits issued are shown for reference. Historical trends will be used to predict non-residential growth. The certificate of occupancy information is based on the total square footage by type of non-residential development (i.e. office, retail etc).

Table 25: Historical Trends in Non-Residential Development, 1998-2008 YTD
Analysis of Certificates of Occupancy and Demolition Permits
Square Footage by Use Type
Alpine, New Jersey

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008* YTD
Certificates of Occupancy Issued (sf)											
Office	0	0	0	0	6,132	0	0	1,248	0	0	0
Assembly (A3)	0	0	0	0	0	0	0	0	0	0	0
Institutional	0	0	0	0	0	0	0	0	0	0	0
Education	0	900	0	0	0	0	0	0	0	0	0
Storage	0	0	0	0	0	0	0	0	0	0	0
Mercantile	0	0	0	0	0	0	0	0	0	0	0
Demolition Permits Issued (sf)											
Office	0	0	0	0	0	0	0	0	0	0	0
Assembly (A3)	0	0	0	0	0	0	0	0	0	0	0
Mercantile	0	0	0	0	0	0	0	0	0	0	0
Institutional	0	0	0	0	0	0	0	0	0	0	0
Education	0	0	0	0	0	0	0	0	0	0	0
Storage	0	0	0	0	0	0	0	0	0	0	0
Signs, fences & utility	0	0	1	1	4	3	4	5	5	3	0

* Through August

Source: NJ DCA, The NJ Construction Reporter: <http://www.state.nj.us/dca/codes/cr/conrep.shtml>

The data for 2004 through YTD 2008 is translated into employment growth, based on the multipliers provided in Appendix E of the substantive rules. This is shown in the

accompanying table.

Table 26: Actual Non-Residential Growth Share, 2006-2008 YTD
Alpine, New Jersey

	2004		2005		2006		2007		2008*		Total
	Sq ft	Jobs	Sq ft	Jobs	Sq ft	Jobs	Sq. Ft.	Jobs	Sq. Ft.	Jobs	
Office (B)	0	0	1,248	3.4	0	0	0	0	0	0	3
Storage (S)	0	0	0	0	0	0	0	0	0	0	0
Mercantile (M)	0	0	0	0	0	0	0	0	0	0	0
Assembly (A3)	0	0	0	0	0	0	0	0	0	0	0
Total Jobs	0		3		0		0		0		3

As seen above, the Borough has not experienced any significant non-residential development over the years. The reason for this is the Borough does not have any land zoned for non-residential development.

Projected Non-Residential Development. COAH requires that non-residential development be projected to 2018. This analysis involves the identification of all prospective non-residential projects, including those approved but not yet receiving COs, any pending non-residential development applications, and anticipated non residential development. Anticipated development is that which will likely occur before 2018, based on site-specific analysis of remaining developable parcels. This analysis includes an estimate of other projected non-residential development, based in part on historical growth trends.

Alpine is a completely residentially zoned community with very few non-residential uses. These uses are limited to a landscaper, a gas station, two real estate offices, and a restaurant. Further, there are no non-residential applications approved or pending before either board. However, since there was a small office addition approved in 2005 with three jobs, it is assumed that over the course of the third round time period there may be an additional 3 jobs created in the municipality.

The following tables project the estimated job growth associated within the Borough.

Table 27: Projected Non-Residential Jobs
Approved, Pending & Anticipated Development Applications
Alpine, New Jersey

Approved Projects	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
None												
Pending Projects	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
None												
Anticipated Projects	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Total Jobs	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>3</i>

Actual and Projected Non-Residential Development

The following table provides the total employment growth from 2004 to 2018 for the Borough of Alpine.

**Table 28: Actual and Projected Non-Residential Jobs
Alpine, New Jersey**

	Actual	Projected											Total
	(2004-2008*)	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	
Jobs	3	0	0	0	0	0	0	0	1	1	1	0	6

iii. Non Residential Growth Share Adjustment

Using Workbook C, and the fact that Alpine is a completely residentially zoned community, the study reveals a non-residential growth share obligation of 0.2 units.

iv. Comparison of Capacity Analysis and Actual/Projected Growth

As indicated above the capacity analysis of non-residential growth reveals a growth obligation of 0.2 unit. This is due to the fact that Alpine is a completely residentially zoned community and the growth is based on actual number of jobs created from certificates of occupancy issued. This number is similar to that generated from the actual growth calculation which for analysis purposes anticipates additional 3 jobs to be created in the Borough, therefore making the total net growth for the period 2004 to 2018 being 6 jobs. This creates a 0.3 unit affordable housing obligation for the Borough. Although, it is evident that the non-residential growth does not generate a need for affordable housing obligation, the Borough accepts the higher figure for calculation purposes.

c. Total Growth Share Obligation

The total growth share obligation is the combination of residential and non-residential growth. The total residential growth share is 5.9 units and the non-residential growth share is 0.3 units, thereby indicating the total new construction obligation is 6 units.

4. Total Fair Share Obligation. As indicated above, the total affordable housing obligation is the sum of rehabilitation share , remaining prior round obligation and the growth share. Alpine has a total obligation of 8 units, as allocated in the following table.

**Table 29: Total 3RD Round Fair Share Obligation
Alpine, New Jersey**

Component	Obligation
Rehabilitation Share	2
Remaining Prior Round Obligation	0
Growth Share	6
Total Obligation	8

SECTION III: HOUSING PLAN

A. PLAN SUMMARY

This section of the plan details the projects, mechanisms and funding sources which will be used to meet the Borough's affordable housing obligation. The Borough has satisfied the entirety of its Prior Round obligation, as detailed in the previous section of the report. Alpine was assigned a rehabilitation share of 2 units. The Borough has a growth share obligation of 6 units. This obligation was calculated in Appendix D of N.J.A.C. 5:97, based on projected residential and non-residential growth in the community from 2004 through 2018. The following is noted with respect to growth share:

1. Age Restricted Units. The Borough may age restrict no more than 25 percent of affordable units within the community, or 2 units.
2. Rental Component and Bonus Credits. COAH regulations stipulate that at least 25 percent, or 2 units, of a municipality's growth share obligation must be addressed with rental housing. Third Round Rules provide for a 2:1 rental bonus credit for rental units constructed in excess of the rental obligation. No more than 50 percent of the rental obligation can be classified as age-restricted housing.
3. Family Housing. At least 50 percent, or 3 units of the new construction affordable housing obligation must be considered "family housing", that is, available to all who meet specific income guidelines.
4. Maximum Bonus Credits. No more than 25% of the growth share obligation, or 1 unit, may be satisfied using bonus credits.
5. Very Low Income Minimum: Pursuant to N.J.S.A52-27D-329.1, at least 13 percent of proposed affordable housing units are to be made available to very low income households. One unit of the proposed 5 unit affordable housing development provided in this plan is to be provided for a very low income household.

B. OVERALL PLAN COMPONENTS

1. Prior Round Obligation As noted in this report, the Borough satisfied its Prior Round Obligation.
2. Rehabilitation Obligation The Borough plans to implement a rehabilitation program to address its 2 unit rehabilitation share in accordance with the Third Round Rules. The COAH regulations provide that "municipalities shall provide sufficient dollars to fund no less than half the municipal rehabilitation component by the mid-point of substantive certification." The regulations indicate the funding is set at a rate equivalent to \$10,000 per unit. The Borough must thus set aside a total of \$10,000 for this purpose by 2011. Pursuant to the COAH rules that

allows municipalities to utilize money collected from development fees for this purpose, Alpine shall set aside \$10,000 from its housing trust fund account for this purpose. To date (November 19, 2008), that account contains \$619,475, thus indicating the availability of funds for this purpose. Funds would be made available to income-qualified households to participate in the program.

3. Growth Share Obligation The Borough has an adjusted growth share obligation of 6 units. See Section II of this plan for the calculation of growth share, which was based on projected residential and non-residential growth in Alpine.

C. THIRD ROUND PLAN COMPONENTS

The Borough will address its 6 unit growth share obligation through the development of a 100 percent affordable rental development. The plan calls for the construction of five affordable rental housing units, and the receipt of one additional rental bonus credit to affirmatively address the Borough's six unit affordable housing obligation.. This is described below.

1. 100 Percent Affordable Development. The Borough will address its 6 unit growth share obligation by constructing a 5 unit affordable housing development on Block 39 Lot 2.01. This site already contains an 8 unit affordable housing building. The Borough will be eligible to receive one rental bonus credit from the rental development, thereby meeting its six unit growth share obligation. The Borough will sponsor the construction of the five unit affordable development, and the Bergen County Housing Authority shall be the entity who will administer the affordable housing program, as it does with the site's existing affordable housing units. While specific financing has not been finalized, the Borough will adopt a resolution of its intent to bond in the event of a shortfall in funding. The Borough has \$619,475 in development fee funds (of which \$10,000 is earmarked for the Borough's rehabilitation program), and these funds will be utilized for this purpose.

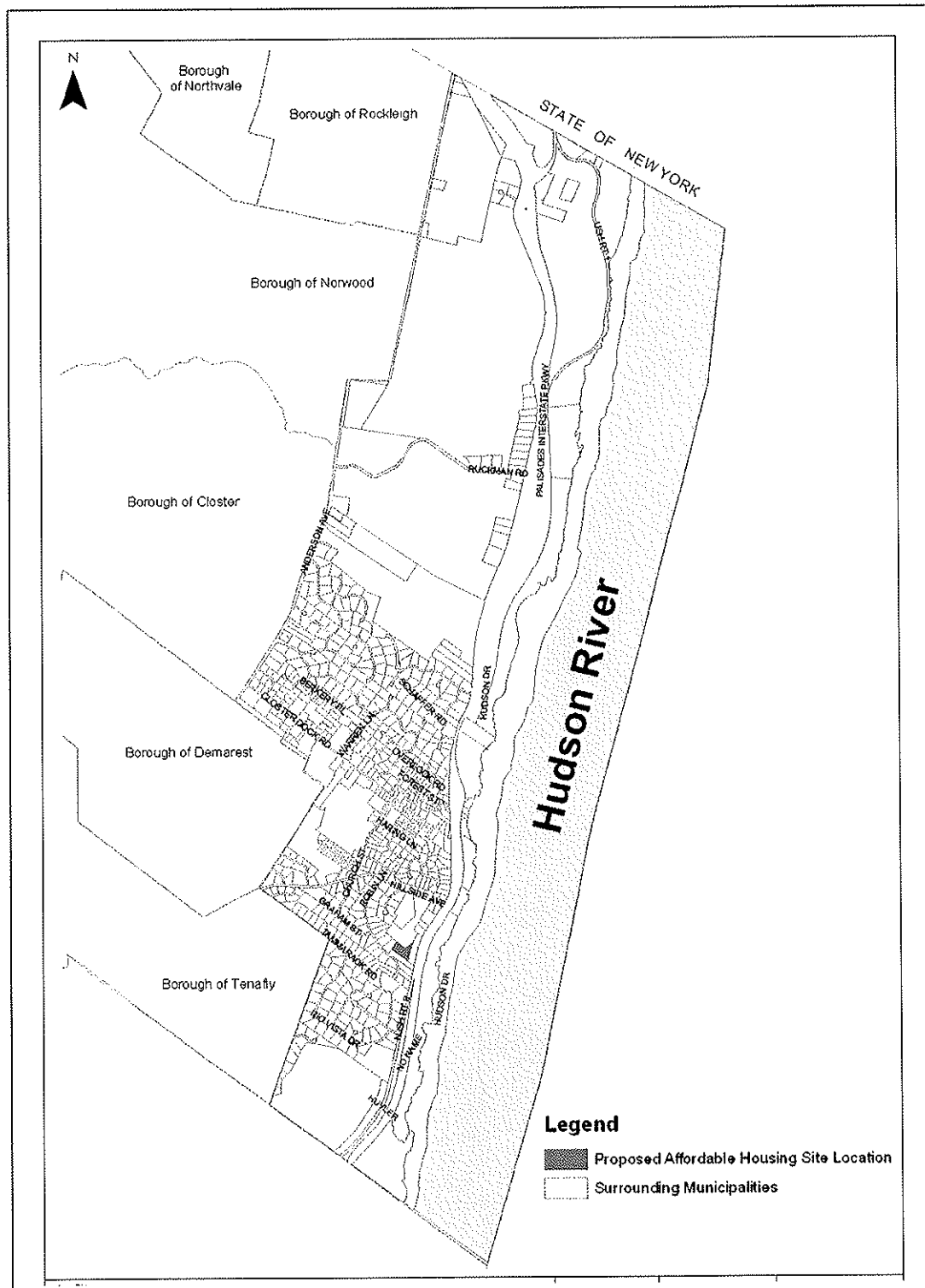
- a. Site suitability requirements are addressed below:

Property Owner	Borough of Alpine
Acreage	3.76 ac
Block/ Lot	Block 39 Lot 2.01
Current Zoning	P- Public
SDRP Planning Area	PA- 1
Street Access	9W
Surrounding Development Pattern	Residential multifamily & Single family
Map of Site Location	See attached Map

- b. Environmental Features: The site is developable. The only environmental constraints are steep slopes located in the northwesterly portion of the site. These slopes do not impede the site's development for the proposed five unit building, since the proposed area for the

affordable housing building is not in the area of steep slopes.

c. Utility availability: The site can accommodate the utility requirements for the proposed use.



LOCATION MAP FOR THE PROPOSED 5
UNIT AFFORDABLE HOUSING
(Block 39 Lot 2.01)

2. Rental Component and Bonus Credit. COAH regulations stipulate that at least 25 percent of a municipality's growth share obligation must be addressed with rental units. Alpine must provide a at least 2 of the 5 units as rental units. All five units are proposed to be rental units.
3. Low and Moderate Income Split: COAH requires affordable units be split evenly between low and moderate income households. Additionally 13 percent of the total number of units must be set aside for very low income households. The proposal calls for three of the units to be allocated to low income households, with one of the three units to be allocated to very low households. Two units shall be allocated to moderate income households.
4. Unmet Need: An "unmet need" component that is designed to address the difference between the Borough's adjusted assessment of its ability to address its affordable housing need based on its lack of developable land (6 units) and COAH's projection of 98 units for the Third Round Obligation. This plan can provide for an obligatory overlay requirement throughout the Borough mandating that whenever a developer proposes at least 5 units on site, 20% of the total number of units must be set aside for income qualified household.
5. Development Fees. The Borough shall continue to impose development fees as permitted by COAH's third round rules. The funds generated by the collection of development fees will be applied directly toward implementation of the Borough's Housing Plan, including spending at least 30 percent of funds for affordability assistance. The Development Fee Ordinance adopted by the Borough is in the appendix of this report.

Development fees of 1.5 percent of the equalized assessed value are required to be collected on residential development. Development fees of 2.5 percent of the equalized assessed value are to be collected on non-residential development. Additional residential units resulting from a "d" variance and additional non-residential floor area resulting from a "d" variance are subject to a six percent development fee based on equalized assessed value.



Total Vacant Land per COAH = 367 ACRES

Legend

Vacant Land per COAH

Hudson River

Surrounding Municipalities

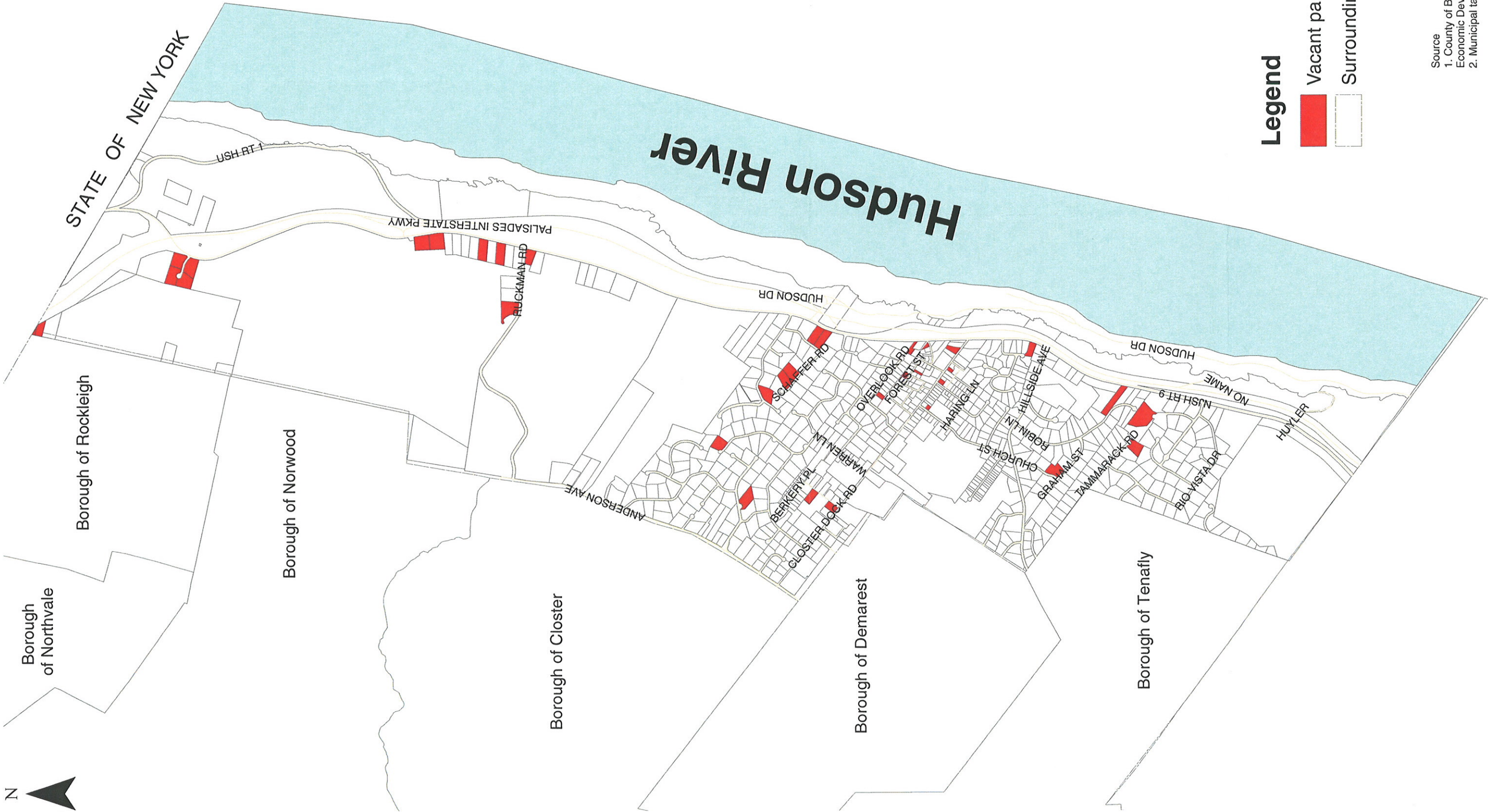
Source
1. County of Bergen - Department of Planning & Economic Development, June 2006 - Parcels
2. Consultant's Data, COAH- May 2008

N

Borough of Rockleigh

Borough of Norwood

Dwg. Title		Project No.		Dwg. Date	Drawn By
Vacant Land Per COAH		2084.03		09/02/08	MA
Project Title		Dwg. Scale		Sheet No.	Drawing No.
BURGIS ASSOCIATES, INC. PROFESSIONAL PLANNERS / LANDSCAPE ARCHITECTS 25 WESTWOOD AVENUE WESTWOOD, N.J. 07675 201-666-1811 FAX: 201-666-2599		Housing Plan 2008		1 of 4	2084.03VacCOAH
		BOROUGH OF ALPINE BERGEN COUNTY, NEW JERSEY		2003	COPYRIGHT
				BA-	NOT TO BE REPRODUCED




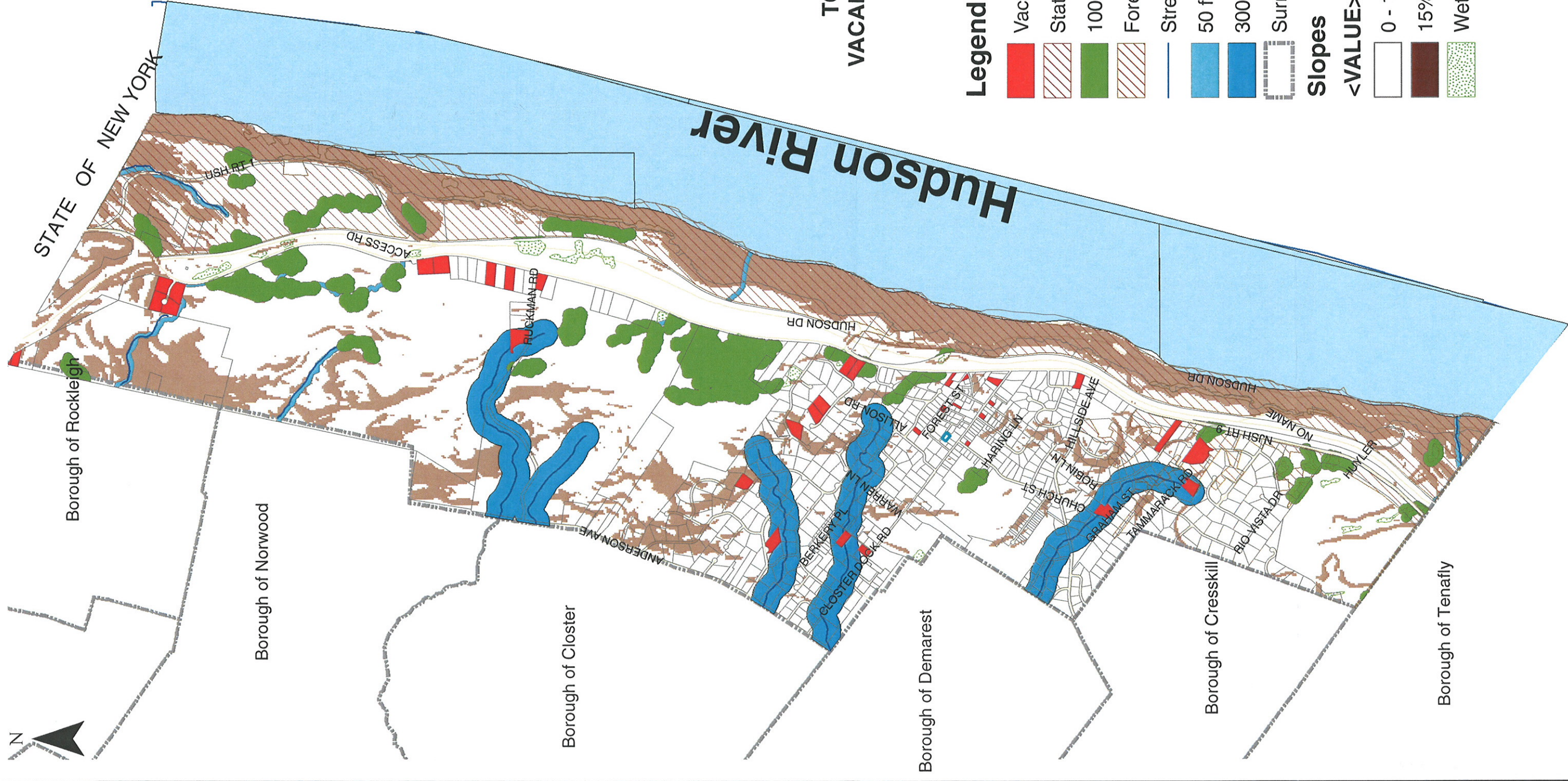
Legend

 Vacant parcels

 Surrounding Municipalities

Source
1. County of Bergen - Department of Planning & Economic Development, June 2006 - Parcels
2. Municipal tax records - Vacant parcels

<div>BURGIS ASSOCIATES, INC. PROFESSIONAL PLANNERS / LANDSCAPE ARCHITECTS 25 WESTWOOD AVENUE WESTWOOD, N.J. 07675 201-666-1811 FAX: 201-666-2599</div>	Dwg. Title Vacant Parcels in the Borough		Project No. 2084.03	Dwg. Date 07/08/08	Drawn By MA
	Project Title Housing Plan 2008 <small>BOROUGH OF ALPINE BERGEN COUNTY, NEW JERSEY</small>		Dwg. Scale N.T.S.	Sheet No. 2 of 4	Drawing No. 2084.03Vac
			2003 COPYRIGHT	BA- NOT TO BE REPRODUCED	



**TOTAL BUILDABLE
VACANT LAND = 3.38 ACRES**

Legend

- Vacant parcels
- State Endangered Habitat
- 100 ft Wetland Buffer
- Forest Area
- Streams
- 50 ft Stream Buffer
- 300 ft Stream Buffer
- Surrounding Municipalities

Slopes

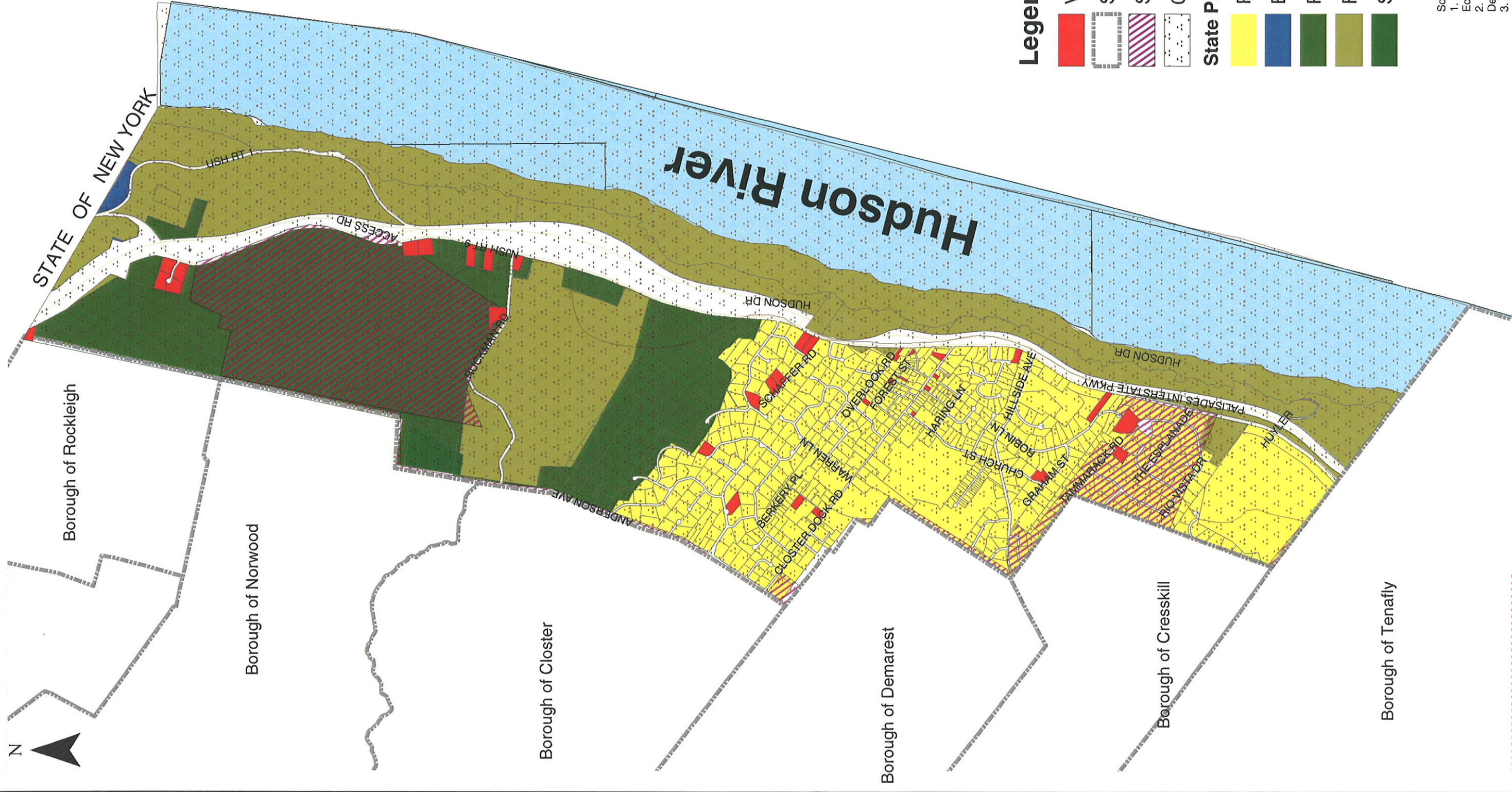
<VALUE>

- 0 - 15%
- 15% & above
- Wetlands

Source

- 1. County of Bergen - Department of Planning & Economic Development, June 2006 - Parcels
- 2. Municipal tax records - Vacant parcels
- 3. NJDEP- Environmental Constraints Data, 2006

Dwg. Title	Project No.	Dwg. Date	Drawn By
Vacant Parcels per Tax Records with Environmental constraints	2084.03	07/08/08	MA
Project Title	Dwg. Scale	Sheet No.	Drawing No.
Housing Plan 2008	N.T.S.	3 of 4	2084.03VacWEnv
BURGIS ASSOCIATES, INC. PROFESSIONAL PLANNERS / LANDSCAPE ARCHITECTS 25 WESTWOOD AVENUE WESTWOOD, N.J. 07675 201-666-1811 FAX: 201-666-2599	2003	COPYRIGHT	BA- NOT TO BE REPRODUCED



Legend

- Vacant parcels
- Surrounding Municipalities
- Sewer Service Area
- 0.2 Density Capacity

State Planning Areas

- PA-1
- Environmentally Sensitive
- Parks
- Federal Park
- State Park

Source

- County of Bergen - Department of Planning & Economic Development, June 2006 - Parcels
- NJDEP- State Sewer Service Area, HUC 11 Septic Density.
- OSG- State Planning Areas, 2001

Dwg. Title	Project No.	Dwg. Date	Drawn By
State Planning Areas and Sewer Service Areas	2084.03	08/25/08	MA
BURGIS ASSOCIATES, INC. PROFESSIONAL PLANNERS / LANDSCAPE ARCHITECTS 25 WESTWOOD AVENUE WESTWOOD, N.J. 07675 201-666-1811 FAX: 201-666-2599	Dwg. Scale	Sheet No.	Drawing No.
Housing Plan 2008 BOROUGH OF ALPINE BERGEN COUNTY, NEW JERSEY	N.T.S.	4 of 4	2084.03SP&SS
2003 COPYRIGHT BA- NOT TO BE REPRODUCED			

APPENDICES

A - 1: Service List

A - 2: Implementation Schedule

A - 3: Draft Affordable Housing Ordinance (to be updated pending publication of COAH model for Third Round)

A - 4: Draft Affirmative Marketing Ordinance (pending COAH publication)

A - 5: Draft Spending Plan

A - 6: Draft Resolution Forwarding the Spending Plan to COAH For Review

A - 7: Amended Development Fee Ordinance

A - 8: Draft Resolution Requesting COAH to Review Amendment to Development Fee Ordinance

A - 9: Judgment of Repose, 2000

A - 10: Resolution Designating the Municipal Housing Liaison

A - 11: Workbook C-Summary of Adjusted Growth Share Projection Based on Land Capacity

A - 2: IMPLEMENTATION SCHEDULE

A-2 IMPLEMENTATION SCHEDULE

Given the current state of the economy, it is difficult to finalize the implementation schedule for the creation of 5 affordable housing units. However, the Borough estimates creation of the units by 2012. Additional details and status report would be provided in timely manner.

A - 3: DRAFT AFFORDABLE HOUSING ORDINANCE
(to be updated pending publication of COAH model for Third Round)

A-3 DRAFT AFFORDABLE HOUSING ORDINANCE

This section of the Alpine Code sets forth regulations regarding low- and moderate-income housing units in Alpine that are consistent with the provisions of N J A C 5.94 et seq. These rules are pursuant to the Fair Housing Act of 1985 and Alpine's constitutional obligation to provide for its fair share of low- and moderate-income housing

A. Except for inclusionary developments constructed pursuant to low income tax credit regulations:

1. At least half of all units within inclusionary development will be affordable to low income households; and
2. At least half of all rental units will be affordable to low income households.

B. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units and the remainder may be moderate income units.

C. Affordable developments that are not age-restricted will be structured in conjunction with realistic market demands so that:

1. The combination of efficiency and one (1) bedroom units is no greater than twenty (20%) percent of the total low and moderate income units;
2. At least thirty (30%) percent of all low and moderate income units are two (2) bedroom units; and
3. At least twenty (20%) percent of all low and moderate income units are three (3) bedroom units.
4. Low and moderate income units restricted to senior citizens may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of senior citizen low and moderate income units within the development. The standard can be met by creating all one (1) bedroom units or by creating a two (2) bedroom unit for each efficiency unit.

D. In conjunction with realistic market information, the following criteria will be used in determining maximum rents and sale prices:

1. Studio units shall be affordable to one (1) person households;
2. One (1) bedroom units shall be affordable to 1.5 person households;
3. Two (2) bedroom units shall be affordable to three (3) person households; and
4. Three (3) bedroom units shall be affordable to 4.5 person households.

5. Median income by household size shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD.
6. The maximum rent for affordable units within each affordable development shall be affordable to households earning no more than 60 percent of median income.
7. The average rent for low and moderate income units must be affordable to households earning no more than 52 percent of median income.
8. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income.
9. Each affordable development must achieve an affordability average of 55 percent for restricted ownership units.
10. Moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
11. Low and moderate income units shall utilize the same heating source as market units.
12. Low income housing units shall be reserved for households with a gross household income less than or equal to fifty (50%) percent of the median income approved by the Council On Affordable Housing. Moderate income housing units shall be reserved for households with a gross household income less than eighty (80%) percent of the median income approved by the Council On Affordable Housing. A household earning less than fifty (50%) percent of median may be placed in a moderate income housing unit.
13. The regulations outlined in N.J.A.C. 5:94-7.2, 5:80-26.6 and 5:80-26.12 will be applicable for purchased and rental units.

E. For rental units:

- (1) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 10 percent of all low-income and moderate-income units shall be affordable to households earning no more than 35 percent of median income.
- (2) Gross rents, including an allowance for utilities, shall be established so as not to exceed thirty (30%) percent of the gross monthly income of the appropriate household size referenced in N.J.A.C. 5:80-26.4. Those tenant paid utilities that are included in the utility allowance shall be so stated in the lease. The allowance for utilities shall be consistent with the utility allowance published by DCA for its Section 8 program.

F. For sale units:

- (1) The initial price of a low and moderate income owner-occupied single family housing unit shall be established so that the monthly carrying costs of the unit, including principal and interest

(based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of an appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the price shall be subject to the affordable average requirement of N.J.A.C. 5:80-26.3.

(2) The master deeds of affordable developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers. Notwithstanding the forgoing sentence, condominium units subject to a municipal ordinance adopted before October 1, 2001, which provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection shall have such fees and assessments governed by said ordinance.

(3) The Borough of Alpine will follow the general provisions concerning control periods for ownership and rental units as per N.J.A.C. 5:80-26.5 and 5:80-26.11.

(4) Municipal, state, nonprofit and seller options regarding 95/5 units will be consistent with N.J.A.C. 5:80-26.20 – 26.24. Municipal rejection of repayment options for sale units will be consistent with N.J.A.C. 5:80-26.25.

(5) The continued application of options to create, rehabilitate or maintain 95/5 units will be consistent with N.J.A.C. 5:80-26.26.

(6) Eligible capital improvements prior to the expiration of controls on sale units will be consistent with N.J.A.C. 5:80-26.9.

G. In zoning for inclusionary developments, the following is required:

(1) Low- and moderate-income units will be built in accordance with N.J.A.C. 5:94-4.4(f):

Percentage of Market Rate Units Completed	Minimum Percentage of Low and Moderate Income Units Completed
25	0
25+ 1 unit	10
50	50

(2) A design of inclusionary developments that integrates low- and moderate-income units with market units is encouraged.

H. To provide assurances that low- and moderate-income units are created with controls on affordability over time and that low- and moderate-income households occupy these units, Alpine will designate an administrative agency or municipal authority with the responsibility of ensuring affordability of sales and rental units over time. The administrative agency or municipal authority will be responsible for those activities detailed in N.J.A.C. 5:80-26.14.

(1) In addition, the administrative or municipal authority will be responsible for utilizing the verification and certification procedures outlined in N.J.A.C. 5:80-26.16 in placing households in low- and moderate-income units.

(2) Newly constructed low- and moderate-income sales units will remain affordable to low and moderate-income households for at least 30 years. The administrative or municipal authority will require all conveyances of newly constructed units to contain the appropriate deeds and restrictive covenants adopted by COAH and referred to as Appendices A, B, C, D, L, M, N, O, P, and Q found in N.J.A.C. 5:80-26, as applicable.

(3) Housing units created through the conversion of a nonresidential structure will be considered a new housing unit and will be subject to thirty-year controls on affordability. The administrative agency or municipal authority will require an appropriate deed restriction and mortgage lien subject to COAH's approval.

I. Regarding rehabilitated units:

(1) Rehabilitated owner-occupied single-family housing units that are improved to code standard will be subject to affordability controls for at least ten years.

(2) Rehabilitated renter-occupied housing units that are improved to code standard will be subject to affordability controls for at least 10 years.

J. Regarding rental units:

(1) Newly constructed low- and moderate-income rental units will remain affordable to low and moderate-income households for at least 30 years. The administrative agency or municipal authority will require an appropriate deed restriction and mortgage lien subject to COAH's approval.

(2) Affordability controls in accessory apartments will be for a period of at least 10 years, except if the apartment is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.13, then the controls on affordability will extend for 30 years.

(3) Alternative living arrangements will be controlled in a manner suitable to COAH, that provides assurance that such a facility will house low- and moderate-income households for at least 10 years, except that, if the alternative living arrangement is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.13, then the controls on affordability will extend for 30 years.

K. Section 14(b) of the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq., incorporates the need to eliminate unnecessary cost-generating features from Alpine's land use ordinances. Accordingly, Alpine will eliminate development standards that are not essential to protect the public welfare and to expedite or fast track municipal approvals/details on inclusionary development applications. The Borough of Alpine will adhere to the components of N.J.A.C. 5:94-8.1 through 5:94-8.3.

A-4: DRAFT AFFIRMATIVE MARKETING ORDINANCE (pending COAH publication)

A-5: DRAFT SPENDING PLAN

A-5 DRAFT SPENDING PLAN

INTRODUCTION

The Borough of Alpine, Bergen County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by the Court during its second round substantive certification and adopted by the municipality on March 22, 2000. The Borough adopted an updated Development Fee Ordinance on November 17, 2008. The ordinance establishes the Borough of Alpine affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, Borough of Alpine has collected \$2,216,011.82, expended \$ 1,702,699.32, resulting in a balance of \$513,312.50. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Bank of America for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

The Borough of Alpine received a Judgment of Repose on December 28, 2000 and petitioned for its Third Round Plan on December 19, 2005. The Borough received prior approval to maintain an affordable housing trust fund in 2000. As of December 31, 2004, the prior round balance remaining in the affordable housing trust fund was \$348,864.76. From January 1, 2005 through July 17, 2008, Borough of Alpine collected an additional \$ 1,399,779.79 in development fees, payments in lieu of construction, other funds, and/or interest. From January 1, 2005 through July 17, 2008, Borough of Alpine expended funds on the affordable housing activities detailed in section 4 of this spending plan.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, Borough of Alpine considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows:
(Not applicable to Alpine)

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units.
(Not applicable to Alpine)

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

[Provide a breakdown by year for all sources of funds collected and/or anticipated during the substantive certification period. COAH will substitute actual revenue for the period between the preparation of this spending plan and COAH's approval, as entered by the municipality in the CTM system. Use and submit additional spreadsheet(s) as necessary. A sample spreadsheet format is provided below.]

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND - 2008 THROUGH 2018										
	7/18/08 Through 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018 Total
(a) Development fees:											
1. Approved Development	90,000	135,000	135,000	157,500							517,500
2. Development Pending Approval			45,000	22,500							67,500
3. Projected Development					90,000	90,000	90,000	90,000	90,000	90,000	630,000
(b) Payments in Lieu of Construction											
(c) Other Funds (Specify source(s))											
(d) Interest											
Total											1,215,000

Borough of Alpine projects a total of \$ 1,215,000 in revenue to be collected between July 18, 2008 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Borough of Alpine:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with the Borough's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

See Housing Plan section for distribution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

The Borough of Alpine will initially dedicate \$10,000 for the rehabilitation of one unit, plus another \$10,000 for a second unit by 2018. The Borough is in the process of determining the costs associated with the construction of the proposed five unit affordable housing development that is identified in the Housing Plan. Once that figure is determined it shall be incorporated into this section of the Spending Plan.

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

Municipalities are required to spend at least 30 percent of all development fees collected and interest earned towards affordability assistance to low and moderate income households in affordable units included in municipalities fair share plan. The Borough of Alpine is proposing a municipally sponsored 100% affordable development, which would be built through the trust fund money collected. Given the current market conditions, it is difficult to project the housing activity expenditure that may be required to build the 5-unit affordable unit housing development. Therefore, providing 30% of its development for affordability assistance may not be feasible at this time. The borough seeks a waiver from providing a definite percentage of development fees collected for affordability assistance.

Projected minimum affordability assistance requirement*:

(The borough seeks waiver from this requirement) (The calculation below is provided for reference; Borough is seeking waiver from providing 30% for affordability assistance)

Actual development fees through 7/17/2008		\$2,178,520.83
Actual interest earned through 7/17/2008	+	\$37,490.99
Development fees projected* 2008-2018	+	\$1,215,000
Interest projected* 2008-2018	+	\$123,085**
Less housing activity expenditures through 7/17/2008	-	\$ 1,702,699.32
Total	=	1,851,397.5
30 percent requirement	x 0.30 =	\$555,419.2
Less Affordability assistance expenditures through 12/31/2004	-	\$0.00

PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018	=	\$370,279.5
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018	÷ 3 =	\$185,139.7

* Note: The 2008 portion of this projection reflects 2008 subsequent to July 17 as the remainder of 2008 is included in the actual figure reported above.

** using a 2% interest

The Borough of Alpine will dedicate the residual money less of its proposed housing activity expenditure towards its affordability assistance program.

(c) Administrative Expenses (N.J.A.C. 5:97-8.9)

Borough of Alpine projects that \$370,279 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

Preparation of Housing Element and Fair Share Plan
Preparation of COAH Monitoring and Trust Fund Monitoring
Consultant's fees for the development of proposed affordable housing project.
Implementation of affirmative marketing program.

4. EXPENDITURE SCHEDULE

Borough of Alpine intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows. See plan pages 25-28

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of the Borough of Alpine has adopted a resolution agreeing to fund any shortfall of funds required for implementing the municipally sponsored affordable housing development. In the event that a shortfall of anticipated revenues occurs, Alpine will handle the shortfall of funds through adopting a resolution with an intent to bond . A copy of the resolution will be provided at a later date.

To be provided.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to provide affordability assistance.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with Alpine's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

Borough of Alpine intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated December 2008.

Alpine has a balance of \$ 513,312.50 as of July 17, 2008 and anticipates an additional \$ 1,338,085 in revenues before the expiration of substantive certification for a total of \$1,851,397.50

The municipality will dedicate a substantial portion of this revenue towards construction of the municipally sponsored affordable development. Detail of amount that would be required for the housing activity would be determined at a later date. \$20,000 of this amount would be used for the rehabilitation of units, \$370,279 for administrative costs including implementation of affordable housing plan. The borough would provide a portion of the residual amount towards affordability assistance. The municipality will dedicate any excess funds toward future affordable housing.

SPENDING PLAN SUMMARY	
Balance as of July 17, 2008	\$513,312.50
PROJECTED REVENUE July 18, 2008-2018	
Development fees	+ \$1,215,000
Payments in lieu of construction	+ \$
Other funds	+ \$
Interest	+ \$123,085
TOTAL REVENUE	= \$1,851,397.50
EXPENDITURES	
Funds used for Rehabilitation	- \$20,000
Funds used for New Construction	
1. <i>[list individual projects/programs]</i>	- \$TBD
2.	- \$
3.	- \$
4.	- \$
5.	- \$
6.	- \$
7.	- \$
8.	- \$
9.	- \$
10.	- \$
Affordability Assistance	- \$TBD
Administration	- \$370,279
EXCESS FUNDS FOR ADDITIONAL HOUSING ACTIVITY	= \$
1. <i>[list individual projects/programs]</i>	- \$
2.	- \$
3.	- \$
TOTAL PROJECTED EXPENDITURES	= \$
REMAINING BALANCE	= \$TBD

A-6: DRAFT RESOLUTION REQUESTING COAH TO REVIEW SPENDING PLAN

A-6 DRAFT RESOLUTION REQUESTING COAH TO REVIEW SPENDING PLAN

WHEREAS, the Governing Body of Borough of Alpine, Bergen County petitioned the Council on Affordable Housing (COAH) for substantive certification on December 19, 2005; and

WHEREAS, Borough of Alpine, Bergen County was granted a Judgment of Compliance on December 28, 2000; and

WHEREAS, Borough of Alpine, Bergen County received initial approval from COAH on March 22, 2000 of its development fee ordinance; and

WHEREAS, Borough of Alpine, Bergen County recently amended its development fee ordinance on November 17, 2008; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and

11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, Borough of Alpine has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of Borough of Alpine, Bergen County requests that COAH review and approve Alpine's spending plan.

Gail Warming-Tanno
Municipal Clerk

A-7 AMENDED DEVELOPMENT FEE ORDINANCE

Mailed
to COAH
11/18/08
C.M.R.

BOROUGH OF ALPINE**ORDINANCE NO. 691**

**An Ordinance Amending Section 220-14 of the Code of the
Borough of Alpine, entitled "Developer's fees" to Conform
with the Council on Affordable Housing's Recently Adopted
Third Round Regulations**

WHEREAS, the purpose of this ordinance is to amend the Borough's Code to adopt a new development fee ordinance and affordable housing trust fund ordinance that conforms with the Council on Affordable Housing's recently adopted Third Round Regulations; and

WHEREAS, the purpose of this ordinance is to better protect the public health, safety, and welfare, of the residents of the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Alpine as follows:

Section 1: The Code of the Borough of Alpine shall hereby be amended by deleting Section 220-14 in its entirety and replaced to read as follows:

§ 220-14. Developer's fees

A. Purpose

- (1) In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's ("COAH's") adoption of rules.
- (2) Pursuant to P.L. 2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring, and enforcement of

municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.

- (3) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

B. Basic requirements

- (1) This ordinance shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- (2) The Borough of Alpine shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

C. Definitions. The following terms, as used in this ordinance, shall have the following meanings:

- (1) "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project, or a 100 percent affordable development.
- (2) "Borough" means the Borough of Alpine.
- (3) "COAH" means the New Jersey Council on Affordable Housing established under the Act, which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
- (4) "Development fee" means funds paid by an individual, person, partnership, association, company, or corporation for the improvement of property as

permitted in N.J.A.C. 5:97-8.3.

- (5) "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- (6) "Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c).
- (7) "Green building strategies" means those strategies that minimize the impact of development on the environment, and enhance the health, safety, and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

D. Residential Development fees.

(1) Imposed Fees.

- (a) For all residential developments, residential developers shall pay a fee of one and one-half percent (1.5%) of the equalized assessed value for residential development, provided no increased density is permitted.
- (b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that

was zoned for two units, the fees could equal one and one half percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- (2) Eligible exactions, ineligible exactions, and exemptions for residential development
 - (a) Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - (b) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - (c) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, except that expansion of an existing residential structure which increases the living space by less than 20% and/or the volume of the existing structure by less than 20% shall be exempt from paying a development fee. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

E. Non-residential Development fees

(1) Imposed fees

- (a) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5%) percent of the

equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

- (b) Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5%) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
 - (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- (2) Eligible exactions, ineligible exactions, and exemptions for non-residential development.
- (a) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5%) percent development fee, unless otherwise exempted below.
 - (b) The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations, and repairs.
 - (c) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L. 2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
 - (d) A developer of a non-residential development exempted from the

non-residential development fee pursuant to P.L. 2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

(e) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough as a lien against the real property of the owner.

F. Collection procedures

- (1) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit. For non-residential developments, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" and complete as per the instructions provided.
- (2) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provide in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated final assessments as per the instructions provided in Form N-RDF.
- (3) The construction official responsible for the issuance of a building permit

- shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (4) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
 - (5) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
 - (6) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
 - (7) Should the Borough fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L. 2008, c.46 (C.40:55D-8.6).
 - (8) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
 - (9) Appeal of development fees
 - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough. Appeals from a determination of the Board may be made to the tax

court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

- (2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

G. Affordable Housing Trust Fund

- (1) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- (2) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (a) payments in lieu of on-site construction of affordable units;
 - (b) developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (c) rental income from municipally operated units;
 - (d) repayments from affordable housing program loans;
 - (e) recapture funds;
 - (f) proceeds from the sale of affordable units; and
 - (g) any other funds collected in connection with the Borough's

affordable housing program.

- (3) Within seven days from the opening of the trust fund account, the Borough shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- (4) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

H. Use of funds

- (1) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Borough's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable, housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8-7 through 8.9 and specified in the approved spending plan.
- (2) Funds shall not be expended to reimburse the Borough for past housing activities.
- (3) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-

income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.

- (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
- (b) Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle the Borough to bonus credits pursuant to N.J.A.C. 5:96-18.
- (c) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (4) The Borough may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- (5) Unless otherwise permitted by COAH, no more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or and affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative

expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

I. Monitoring

The Borough shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

J. Ongoing Collection of Fees

The ability for the Borough to impose, collect, and expend development fees shall expire with its substantive certification on the date of expiration of substantive certification unless the Borough has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Borough fails to renew its ability to impose and collect development fees prior to the date of expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c.222 (C.52:27D-320). The Borough shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Borough retroactively impose a development fee on such a development. The Borough will not expend

development fees after the expiration of its substantive certification.

Section 2: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are repealed, but only to the extent of any inconsistencies.

Section 3: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

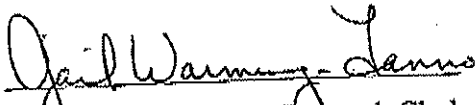
Section 4: This ordinance shall take effect after review and approval by COAH and final approval and publication according to law.

Introduced and passed first reading: October 22, 2008

Passed second reading: November 17, 2008

ATTEST:

APPROVED BY:


Gail Warming-Tanno, Borough Clerk


Paul Tomasko, Mayor

**A-8 DRAFT RESOLUTION REQUESTING COAH TO REVIEW AMENDMENT TO
DEVELOPMENT FEE ORDINANCE**

A-8 DRAFT RESOLUTION REQUESTING COAH TO REVIEW AMENDMENT TO DEVELOPMENT FEE ORDINANCE

WHEREAS, the Governing Body of Borough of Alpine, Bergen County petitioned the Council on Affordable Housing (COAH) for substantive certification on December 19, 2005; and

WHEREAS, Borough of Alpine, Bergen County was granted a Judgment of Compliance on December 28, 2000; and

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d) ;
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d) ;
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, Borough of Alpine has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED that the Governing Body of Borough of Alpine, Bergen County requests that COAH review and approve Alpine's amended development fee ordinance.

Gail Warming --Tanno
Municipal Clerk

A-9 JUDGEMENT OF REPOSE, 2000

FILED**DEC 28 2000**

James P. Logan, Esquire
Logan, Logan and Lindsey
155 North Dean Street
Englewood, New Jersey 07631
(201) 569-0700
Attorney for the Defendants

JONATHAN N. HARRIS
J.S.C.

EDWARD G. NORIAN, et al. : SUPERIOR COURT OF NEW JERSEY
: BERGEN COUNTY/LAW DIVISION

Plaintiffs, :
v. : Docket No. L-419-95

BOROUGH OF ALPINE, et al., :
: Civil Action

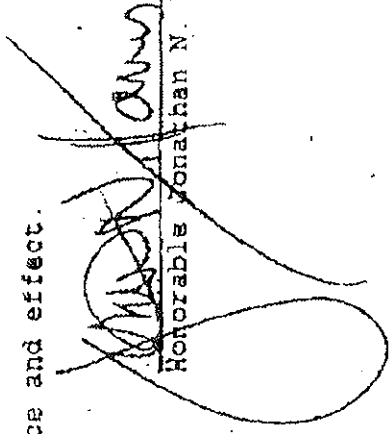
Defendants, : ORDER

This matter having been brought on by the application of the Borough of Alpine (Logan, Logan and Lindsey, attorneys, James P. Logan, Esq. appearing on behalf of the Borough of Alpine) with notice to John J. Stern, Esq. (Stern and Berenbroick) attorney for the plaintiffs Edward Norian et al. trading as Alpine Three LLC; Edward A. Berman, Esq. (Hersh, Ramsey & Berman, P.C.) attorneys for the plaintiffs/intervenor Crasskill Hills, L.L.C.; and Thomas J. Hall, Esq. (Sills Cumis Radin Tischman Epstein & Gross), attorney for the Defendants, the Planning Board of the Borough of Alpine, in accordance with the Judgment entered by the Honorable Jonathan N. Harris on December 15, 2000 and the Court having considered the explanatory certification of James P. Logan, Esquire, the Alpine Borough Attorney and the Court having found the Borough of Alpine has complied with the said Judgment by acting as follows:

1. The Alpine Planning Board adopted a written

3. Council on Affordable Housing has received a copy of the Regional Contribution Agreement between the Borough of Alpine and the Borough of Fairview and Philip B. Caton has advised the Court that the Council on Affordable Housing upon receipt of a request of the Court "will monitor the project planning and expenditure of the RCA proceeds by the Borough of Fairview." Mr. Caton is hereby instructed to convey such request.

IT IS ON this 28 day of December, 2000, ORDERED that the Borough has complied with the terms of the Judgment entered on December 15, 2000 and said Judgment shall now be in full force and effect.


Honorable Jonathan N. Harris, J.S.C.

FILED

DEC 15 2000

James F. Logan, Esquire
Logan, Logan and Lindsay
155 North Dean Street
Englewood, New Jersey 07631
(201) 569-0700
Attorney for the Defendants

JONATHAN N. HARRIS
JAC.

EDWARD G. NORIAN, et al. :

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY/LAW DIVISION

Plaintiffs,

v.

BOROUGH OF ALPINE, et al. :

Docket No L-439-95

Civil Action

Defendants. :

~~ORDER~~ JUDGMENT

This matter having been brought on by the application of the Borough of Alpine (Logan, Logan and Lindsay, attorneys, James P. Logan, Esq. appearing on behalf of the Borough of Alpine) by Notice of Motion to obtain a Judgment of Compliance and Repose to immunize the Borough of Alpine from Mount Laurel litigation for six (6) years from the date of the entry of the Judgment of Compliance and Repose and to remove the Scarce Resource Order entered by the Honorable James T. Murphy, J.S.C. on January 10, 1995 and ~~ON NOTICE TO~~ ~~proposed~~ John J. Stern, Esq. (Stern and Berenbroick) attorney for the plaintiffs Edward Norian et al. trading as Alpine Three LLC; Edward A. Berman, Esq. (Hersh, Ramsey & Berman, P.C.) attorneys for the plaintiffs/intervenor Cresskill Hills, L.L.C.; and Thomas J. Hall, Esq. (Sills Cummis Radin Tischman Epstein & Gross), attorney for the Defendants, the Planning Board of the Borough of Alpine, and

the Court having ~~heard the arguments and the~~ ^{CONSIDERED THE} reports of the parties, and

It appearing that ~~upon~~ notice of the proceedings was given to all members of the public through the publication of a notice in The Record (Hackensack, New Jersey) on November 29, 2000; that a copy of the Alpine Housing Element and the Fair Share Housing Plan dated September 1, 2000; the Fair Share Ordinance and the Affirmative Marketing Ordinance as adopted on July 22, 1996 and as amended November 29, 2000; the Developers' Fee Ordinance adopted March 22, 2000; Capital Bond Ordinance to fund Regional Contribution Adjustment with the Borough of Fairview adopted September 27, 2000, along with a Resolution to enter into a Regional Contribution Agreement with the Borough of Fairview whereby the Borough of Alpine paid Fairview the sum of \$320,000.00 for sixteen units; Zoning Ordinance Amendment to establish COAH-1 and COAH-2 Zones adopted on October 25, 2000; a Bond Ordinance introduced on November 29, 2000 to fund the purchase of a tract of land located in the Borough of Alpine for the construction of eight low and moderate income housing rental units on lots 2 and 3 in Block 48 as the same are set forth on the tax assessment map of the Borough of Alpine, which property the Borough has agreed to purchase under a signed and sealed agreement in the amount of \$900,000.00 with closing of title subject to the removal of the Scarce Resource Order dated January 10, 1996, all of which have been made available to the interested parties and

the members of the public; and

The said documents having been presented to Philip B Caton, PP, AICP, of Clarke, Caton and Hintz, the Special Master appointed by the Court whose report the Court has considered; and good cause having been shown,

IT IS ON this 15 day of December, 2000, ORDERED:

1. "The Borough of Alpine has ^{SUBSTANTIALLY} complied with the Court's Order dated July 28, 2000, by ^{SUBSTANTIALLY} completing all required procedures as set forth in said Order within a reasonable period of time and therefore the Court does hereby enter a Judgment of Compliance and Repose to immunize the Borough of Alpine from Mount Laurel litigation for a period of six (6) years from the date hereof."

2. The Borough of Alpine's Realistic Development Potential is thirty-two (32) units with sixteen (16) units heretofore satisfied by a Regional Contribution Agreement with the Borough of Fairview which Agreement the Court hereby confirms and approves and sixteen (16) units to be satisfied by the construction of eight low and moderate income housing units, not age restricted, on lots 2 and 3 in Block 48, as the same is set forth on the tax assessment map of the Borough of Alpine, which is consistent with and satisfies the substantive requirements of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. and the Council on Affordable Housing's practices and regulations, N.J.A.C. 5:91 and 5:92 et seq, including densities, set asides and development techniques.

3. The Borough's Compliance Plan is declared to be fair and reasonable to low and moderate income housing persons and is in the public interest and is hereby approved. The Plan provides a realistic opportunity for the construction of low and moderate income housing and when finally implemented will satisfy the Borough of Alpine's entire obligation of low and moderate income housing.

4. The Scarce Resource Order entered by the Honorable

James T. Murphy, J.S.C. on January 10, 1996 is hereby VACATED.

~~RECEIVED~~


Honorable Jonathan N. Harris, J.S.C.

IS STATED AND
THIS JUDGMENT/WILL NOT BECOME
EFFECTIVE UNTIL THE BOROUGH
OF ALPINE PROVIDES OBJECTIVELY
VERIFIABLE COMPLIANCE WITH
PARAGRAPHS 2, 4, and 10 OF THE
SPECIAL MASTER'S LETTER OF DECEMBER
14, 2000. THIS MAY BE ACCOMPLISHED
BY PROVIDING THE NECESSARY INFORMATION,
SUBMITTED BY AN EXPANDED AFFIDAVIT,
TO THE COURT, TOGETHER WITH A FORM OF
ORDER DECLARING COMPLIANCE AND EFFECTIVENESS
OF THIS JUDGMENT. IF SUCH INFORMATION,
AFFIDAVIT, AND ORDER ARE NOT PROVIDED BY
DECEMBER 31, 2000, THIS JUDGMENT SHALL AUTOMATICALLY
EXPIRE AND BE OF NO FURTHER EFFECT, SUBJECT
TO THE RENEWAL OF DEFENDANT MUNICIPALITY'S MOTION
TO OBTAIN A JUDGMENT OF COMPLIANCE AND RESCUE.

Resolution at its December 19, 2000 meeting, which incorporated the duly signed and executed copies of the following Agreements into the Borough of Alpine's Housing Element and Pair Share Housing Plan (hereinafter "Pair Share Plan"):

a. Settlement Agreement between Edward Norian and George Haralabatos, trading as Alpine Three, L.L.C. and the Borough of Alpine, the governing body of the Borough of Alpine and the Planning Board of the Borough of Alpine dated May 24, 2000;

b. Settlement Agreement between Chemtek Construction, Inc. and the Borough of Alpine, the governing body of the Borough of Alpine and the Planning Board of the Borough of Alpine dated July 25, 2000;

c. Settlement Agreement between Cresskill Hills, L.L.C. and the Borough of Alpine, the governing body of the Borough of Alpine and the Planning Board of the Borough of Alpine dated May 24, 2000;

d. Site Option Agreement dated May 24, 2000, as amended November 10, 2000, between Charles and Ada Hoffman and the Borough of Alpine; and

e. Regional Contribution Agreement between the Borough of Alpine and the Borough of Fairview dated October 12, 2000.

2. At the meeting of the Mayor and Council held on December 20, 2000, an Intent to Bond Resolution was adopted, a copy of which is attached hereto.

A-10 RESOLUTION DESIGNATING THE MUNICIPAL HOUSING LIAISON

RESOLUTION
Appointment Affordable Housing Liaison

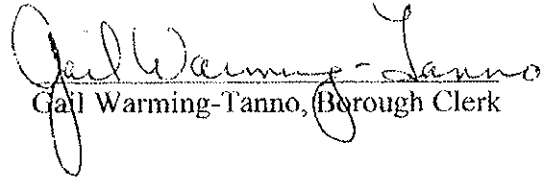
OFFERED BY: Councilwoman Gerstein

SECONDED BY: Councilwoman Garjian

at a regular meeting of the Mayor and Council of the Borough of Alpine held on Wednesday, September 27, 2006 to make Mayor Tomasko the Borough's Affordable Housing Liaison with the Council on Affordable Housing.

Vote: **Ayes:** Cacouris, Frankel, Garjian, Gerstein
Nays: None **Abstain:** None **Absent:** Merians, Siegal

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on September 27, 2006.


Gail Warming-Tanno, Borough Clerk

**A-11 WORKBOOK C- SUMMARY OF ADJUSTED GROWTH SHARE PROJECTION
BASED ON LAND CAPACITY**

Summary of Adjusted Growth Share Projection Based On Land Capacity

(Introduction to Workbook C)

Municipality Name:

Alpine

This workbook contains two separate worksheets to be used for determining the projected Municipal Growth Share Obligation. Worksheet A must be completed by all municipalities. The Worksheet is a tool that allows the user to enter COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules to determine the projected Growth Share Obligation after applying exclusions permitted by N.J.A.C. 5:97-2.4. Municipalities that accept the COAH-generated Growth projections need only use Worksheet A.

[Click Here to complete Worksheet A](#)

Municipalities seeking to request a downward adjustment to the COAH-generated growth projections may do so by providing a detailed analysis of municipal land capacity. After completing this analysis, the growth projections may be lowered if the resulting growth share obligation results in a figure that is at least 10 percent lower than the projected Growth Share Obligation that would result from the COAH-generated growth projections. Actual growth must first be determined using the Actual Growth worksheet. A growth projection adjustment may only apply to any remaining growth.

[Click Here to Enter Actual Growth to Date](#)

[Click Here to Complete the Residential Parcel Inventory and Capacity Analysis](#)

[Click Here to Complete the Non-residential Parcel Inventory and Capacity Analysis](#)

Summary Of Worksheet Comparison

	COAH Projected Growth Share (From Worksheet A)	Growth Share Based on Municipal Capacity (From Worksheet C)
Residential Growth	466	38
Residential Exclusions	8	8
Net Residential Growth	458	30
Residential Growth Share	91.60	5.96
Non-Residential Growth	72	3
Non-Residential Exclusions	0	0
Net Non- Residential Growth	72	3
Non-Residential Growth Share	4.50	0.22
Total Growth Share	96	6

The Municipal land capacity analysis results in a reduction to the COAH-generated growth projection. Please file Workbook C and use a Residential Growth Share of 5.96 plus a Non-residential Growth Share of 0.22 for a total Growth Share Obligation of 6 affordable units

Growth Projection Adjustment - Actual Growth

Municipality Name:

Alpine

Actual Growth 01/01/04 to Present

Residential COs Issued	22				
		Square Feet Added (COs Issued)	Square Feet Lost Demolition Permits Issued)	Jobs/1,000 SF	Total Jobs
Non-residential CO's by Use Group					
B		1248		2.8	3.49
M				1.7	0.00
F				1.2	0.00
S				1.0	0.00
H				1.6	0.00
A1				1.6	0.00
A2				3.2	0.00
A3				1.6	0.00
A4				3.4	0.00
A5				2.6	0.00
E				0.0	0.00
I				2.6	0.00
R1				1.7	0.00
Total		1248	0		3

[Return to Growth Projection Adjustment Summary Screen](#)

[Proceed to Inventory of Vacant Residential Land](#)

[Proceed to Inventory of Non-residential Land](#)

Alpine Growth Projection Adjustment - Residential Parcel Inventory

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
81.04	13	Autumn Terr	Fox Robert & Michelle	1	n	n	0.20	2.00	2.00	part of a subdivision; under construction	0.00	0.20	0.00
81.04	17	Autumn Terr	Wu, Lewis & Yun, Here	1	n	n	0.20	2.05	2.05	under construction	0.00	0.20	0.00
81.04	18.01	Autumn Terr	Law John & Jennifer	1	n	n	0.20	2.13	2.13	part of a subdivision; anticipated	0.00	0.20	0.00
81.04	19.01	Autumn Terr	Canfield Enterprises	8	n	n	0.20	2.00	2.00	part of adjacent lot; constrained; anticipated	0.00	0.20	0.00
71	12	Berkley Pl	Abad Andrea Louise	1	n	n	0.20	1.43	1.43	1.43 300 ft buffer; environmentally constrained	0.00	0.20	0.00
77	3	Cambridge Way	Gigante Andrew & Tere	1	n	n	0.20	2.07	2.07	1.05 300 ft buffer; environmentally constrained	0.00	0.20	0.00
43	2	Church St.	Giannuzzi	1	n	n	0.20	0.21	0.21		0.00	0.20	0.00
55	8	Church St.	Zollener	1	n	n	0.20	4	4	4 not vacant; per mayor's survey	0.00	0.20	0.00
42	1.01	Closter Dock Rd	Booth, Lillian G	1	n	n	0.20	0.239	0.239		0.00	0.20	0.00
42	5	Closter Dock Rd	Maral Associates	1	n	n	0.20	0.231	0.231		0.00	0.20	0.00
43	6.03	Closter Dock Rd	Alpine Three, LLC	1	n	n	0.20	0.34	0.34	0.34 part of adjacent lot; per mayor's survey	0.00	0.20	0.00
43	7	Closter Dock Rd	Giannuzzi	1	n	n	0.20	0.29	0.29	0.29 not vacant; per mayor's survey	0.00	0.20	0.00
48	3	Closter Dock Rd	1017 Closter Dock Ass	1	n	n	0.20	1	1		0.00	0.20	0.00
49	8.01	Closter Dock Rd	Hoffman Charles, Ada	1	n	n	0.20	0.63	0.63		0.00	0.20	0.00
55	21	Closter Dock Rd	Andrews, Nancy	1	n	n	0.20	1.091	1.091	1.091 part of adjacent lot	0.00	0.20	0.00
71	10.02	Closter Dock Rd	Dell'Aguella	1	n	n	0.20	0.988	0.988	0.22 300 ft buffer; environmentally constrained	0.00	0.20	0.00
73	3.01	Closter Dock Rd	Aginarisi, Murat	1	n	n	0.20	1.73	1.73	1.73 under construction	0.00	0.20	0.00
73	3.02	Closter Dock Rd	Kapito	1	n	n	0.20	1.52	1.52	1.52 part of adjacent lot	0.00	0.20	0.00
47	9	E Main St	Hackensack Water CO	1	n	n	0.20	0.23	0.23	0.23 owner hackensack water	0.00	0.20	0.00
47	7	Forest St	Cho, Ill	1	n	n	0.20	0.24	0.24		0.00	0.20	0.00
Add More sheets													
Subtotal This Page													
Subtotal Page 2													
Subtotal Page 3													
Subtotal Page 4													
Subtotal Add'l Pages													
Grand Total													

Click Here to Return to Workbook C Summary
Click Here to Proceed to Non-residential Parcel Inventory and Capacity Analysis

* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

Alpine Growth Projection Adjustment - Non-Residential Parcel Inventory

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Remaining Buildable Acreage	Density (Jobs/Ac)	Capacity (Jobs)
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[Click Here to Return to Workbook C Summary](#)

[Click Here to Proceed to Residential Parcel Inventory and Capacity Analysis](#)

* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

Subtotal This Page 0.00
 Subtotal Page 2 0.00
 Subtotal Page 3 0.00
 Subtotal Page 4 0.00
Grand Total 0

Worksheet A: Growth Share Determination Using Published Data
(Appendix F(2), *Allocating Growth To Municipalities*)

COAH Growth Projections

Must be used in all submissions

Municipality Name: Alpine

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page or the links within the page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated based on COAH's growth projections.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2)*	466	72
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	Click Here to enter Prior Round Exclusions	
COs for prior round affordable units built or projected to be built post 1/1/04		
Inclusionary Development	0	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	8	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	0	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs		0
4 Net Growth Projection	458	72
Projected Growth Share (Conversion to Affordable Units	91.60 Affordable Units	4.50 Affordable Units
5 Divide HH by 5 and Jobs by 16)		
6 Total Projected Growth Share Obligation		96 Affordable Units

[Click Here to return to Workbook C Summary](#)

* For Residential Growth, See Appendix F(2), Figure A.1, Housing Units by Municipality. For Non-residential Growth, See Appendix F(2), Figure A.2, Employment by Municipality

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Alpine

Prior Round Affordable Units NOT included in Inclusionary Developments Built Post 1/1/04

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	
Accessory Apartments	
Municipally Sponsored and 100% Affordable	8
Assisted Living	
Other	
Total	8

Market and Affordable Units in Prior Round Inclusionary Development Built post 1/1/04 N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
		0			0
		0			0
		0			0
		0			0
		0			0
Total		0	0	0	0

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
Total	0	0

[When finished, click here to return to Worksheet A](#)

Alpine Growth Projection Adjustment - Residential Parcel Inventory Page 2

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
60	6,7,8	Forest St	Westervelt Development	1	n	n	0.20	0.40		vacant	0.00	0.20	0.00
55	22,02,23,0	Frick Dr	F.E. Alpine	1	n	n	0.20	13.79	13.79	approved subdivision	0.00	0.20	0.00
49	19	Glen Goin Dr	Spiropoluous	1	n	n	0.20	1.21			0.00	0.20	0.00
39	02	13.01 Graham St	Ruskin, Varda	1	n	n	0.20	1.89		1.89 300 ft buffer; environm	0.00	0.20	0.00
30	8.01	Hillside Ave	Unaue, Joseph & Carme	1	n	n	0.20	1.28		1.28 part of adjacent lot; per	0.00	0.20	0.00
50	1	Hillside Ave	F.A. Ryan	1	n	n	0.20	2.2		2.2 not vacant	0.00	0.20	0.00
50	3	Hillside Ave	Ryan Francis	1	n	n	0.20	0.12		0.12 part of adjacent lot; per	0.00	0.20	0.00
71	22	Litchfield Way	Walker Litchfield	1	n	n	0.20	2.08		2.08 under construction	0.00	0.20	0.00
81	04	18.04 Margo Way	Margo Way Estates	1	n	n	0.20	2.05		2.05 part of an approved sl	0.00	0.20	0.00
81	02	18.07 Margo Way	Margo Way Estates	1	n	n	0.20	2.35		2.35 built	0.00	0.20	0.00
81	05	9 Marie Major D J & L Alpine		1	n	n	0.20	2.18		2.18 under construction	0.00	0.20	0.00
53	13	Miles St.	Waden Helen	1	n	n	0.20	0.35		1.38 steep slope; environm	0.00	0.20	0.00
54	6	Miles St.	Ponte, Alphanso	1	n	n	0.20	0.225		0.35 not vacant	0.00	0.20	0.00
48	6.01	Old Closter Dr	Hoffman, Charles Ada	1	n	n	0.20	1.37		0.225 not vacant	0.00	0.20	0.00
60	18	Old Dock Rd	Salmi, Ambros	1	n	n	0.20	0.215		1.37 approved; anticipated	0.00	0.20	0.00
140	1.01	Old Farm Way	Catsimadis	6	n	n	0.20	2.5		1.37 Steep & 50 ft buffer	0.00	0.20	0.00
140	1.02	Old Farm Way	Catsimadis	6	n	n	0.20	2.5		0.82 steep slopes	0.00	0.20	0.00
140	1.03	Old Farm Way	Catsimadis	6	n	n	0.20	2.4		0.88 steep slopes	0.00	0.20	0.00
140	1.04	Old Farm Way	Catsimadis	6	n	n	0.20	2.05		0.61 steep slopes	0.00	0.20	0.00
Total Page 2													0.00

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[Residential Inventory Main Page](#)

* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

Alpine Growth Projection Adjustment - Residential Parcel Inventory Page 3

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
75	7	Overlook Road	Ronan, Anne & Cacouris, Michael	1	n	n	0.20	0.48		0.00	0.20	0.00
81.02	5	Oxford Way	Mayer, Jeffrey & Katina	1	n	n	0.20	2	2 part of adjacent lot	0.00	0.20	0.00
22	20	Rio Vista Dr	Mavroudis, Anne	1	n	y		2.00	2.00 part of an approved	0.00	8.00	0.00
120	4	Route 9W	LGB Trust % A G Rathe	6	n	n	0.20	2.80		0.00	0.20	0.00
120	5	Route 9W	LGB Trust % A G Rathe	6	n	y	0.20	2.80		2.80	4.00	11.20
121	3	Route 9W	Royal Brothers Intl	6	n	n	0.20	2.3		0.00	0.20	0.00
121	5	Route 9W	Dong Nam New Jersey LLC	6	n	n	0.20	2.3		0.00	0.20	0.00
121	6	Route 9W	Chemtek	6	n	n	0.20	2.3	2.3 under construction	0.00	0.20	0.00
121	7	Route 9W	Chemtek	6	n	n	0.20	2.27	2.27 under construction	0.00	0.20	0.00
39	8	Route 9W	J & L Alpine	1	n	n	0.20	2.5	0.27 steep slope	0.00	0.20	0.00
60	19.02	Route 9W	Petricin, Mildred A.	1	n	n	0.20	0.7		0.00	0.20	0.00
81.08	3	Route 9W	Dream Inc.	1	n	n	0.20	1.86	1.07 wetlands; constraint:	0.00	0.20	0.00
81.08	4	Route 9W	Dream Inc.	1	n	n	0.20	1.93	1.01 wetlands; constraint:	0.00	0.20	0.00
90	6	Route 9W	LGB	6	n	n	0.20	1.64		0.00	0.20	0.00
120	2.03	Ruckman Rd	Schwartz, Edmondo & Miyako	6	n	y		2.97	2.97 300 ft buffer; constr	0.00	4.00	0.00
81.06	21	Schaffer Rd	Yen, P.M. & Caroline	1	n	n	0.20	2		0.00	0.20	0.00
81.06	22	Schaffer Rd	PPS/Kadima Holdings	1	n	n	0.20	2		0.00	0.20	0.00
81.08	1	Schaffer Rd	Hedvat, Schowl	1	n	n	0.20	2.592	2.592 under construction	0.00	0.20	0.00
21	12	Stone Tower Dr	Huang Jane J.	1	n	y	0.20	2	2 part of an approved	0.00	8.00	0.00
22	26	Tamarck Rd	Mavroudis	1	n	y		2	2 300 ft Buffer	0.00	8.00	0.00
Total Page 3												11.20

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Alpine Growth Projection Adjustment - Residential Parcel Inventory Page 4

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
11	2.07	Tamacrest Alvarez		1	n	n	0.20	1.78	1.78	under construction	0.00	0.20	0.00
22	7	The esplar Laoudis		1	n	y		2	2	2: under construction;	0.00	8.00	0.00
81.06	10	Timberline Alpine Rea		1	n	n	0.20	2.195	1.365	Steep Slope	0.00	0.20	0.00
22	5	Tulip Tree Law, Phen		1	n	y		2	2	2 approved for development; state endangered	0.00	8.00	0.00
22	17.02	Tulip Tree Ahuja		1	n	y		4.675	4.1	Landscape project; state endangered habitat	0.58	8.00	4.60
11	2.02	Vaccaro Di Schmidt		1	n	n	0.20	0.953	0.953	steep slope; wetland; built	0.00	0.20	0.00
11	2.03	Vaccaro Di Di Stualo		1	n	n	0.20	0.8	0.8	wetland; under construction	0.00	0.20	0.00

Total Page 4 4.60

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